

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

22-CR-109 (LJV)

PAYTON GENDRON,

Defendant.

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**MOTION TO TRANSFER VENUE PURSUANT TO FEDERAL RULE OF CRIMINAL  
PROCEDURE 21 AND THE FIFTH, SIXTH, AND EIGHTH AMENDMENTS TO THE  
UNITED STATES CONSTITUTION**

Payton Gendron, through undersigned counsel, moves this Court, pursuant to the Fifth, Sixth, and Eighth Amendments to the United States Constitution and Fed. R. Crim. P. 21, to transfer venue out of the Western District of New York (W.D.N.Y.). Due to a combination of factors, “so great a prejudice against the defendants exists in the [Western] district that [Payton Gendron] cannot obtain a fair and impartial trial there.” Fed. R. Crim. P. 21 (a). Gendron further requests an evidentiary hearing on this Motion.

**I. Introduction: Request for Relief**

The defense intends to conduct a public opinion survey to establish the degree of prejudice produced by the overwhelming amount of pretrial publicity this case has generated in the local market. We have drafted such a survey and are ready to have it administered. That said, because of our pending Motion for An Adjournment of the Trial Date, ECF No. 303, we have not yet conducted the survey. It is important that the survey be administered as close in time to jury selection as possible in order to properly gauge current community attitudes that might impact Payton Gendron’s ability to select a fair and impartial jury.

In any event, due to the overwhelming amount of pretrial publicity, combined with the impact of this case on Buffalo's segregated communities of color, it is impossible for Payton Gendron to select a fair and impartial jury in the Western District of New York. For the reasons set forth below, we request a hearing and a venue transfer. This is a high-profile case with large public interest. It will require transfer to a district with the infrastructure to handle it.

The next largest city to Buffalo is New York. We therefore suggest the case be moved to the Southern District of New York (S.D.N.Y.), a jurisdiction that is far enough from the local media market to be less impacted by it. Moreover, the S.D.N.Y. also has sufficient minority representation that has not been directly impacted by the shooting and its aftermath that a diverse and representative jury should be able to be selected. Moreover, the S.D.N.Y. has tried many high-profile cases of this nature in the past and thus, has the infrastructure to readily support such a case. The S.D.N.Y. can both safely and conveniently house Payton Gendron and accommodate the expected large number of media and citizens that will want to attend this trial.

## **II. Relevant Factual and Procedural Background**

### **A. Relevant factual allegations.**

In its Criminal Complaint, the government alleges that on May 14, 2022, Payton Gendron committed a mass shooting targeting Black people at the Tops Friendly Market at 1275 Jefferson Avenue in East Buffalo. ECF No. 1 at 3. As described in the Complaint, his motive for the shooting was "to prevent Black people from replacing white people and eliminating the white race, and to inspire others to commit similar acts." *Id.* Before committing the attack, he armed himself with a semiautomatic rifle and wore a tactical-style helmet, camouflage clothing, and body armor. *Id.* at 4. He had a GoPro video camera strapped to his head to livestream the

shooting. *Id.* His rifle was marked with racial slurs and the names of others who had committed racist mass shootings. *Id.* at 5.

In the months before the attack, Payton Gendron wrote a self-described manifesto that included his plans to shoot and kill Black people and his belief that Black people were a threat to the white race. *Id.* at 7. According to the manifesto, he selected an area within zip code 14208 for the attack because it included a high percentage and high density of Black people. *Id.* Payton Gendron had traveled several hours from his home in Conklin, New York to Buffalo to commit the attack, and had done so on a previous occasion to scout that location. *Id.* at 8.

Gendron began shooting as he exited his car in the Tops parking lot and continued as he entered the store. *Id.* at 4. Inside the store, he exchanged gunfire with an armed Black security guard, killing him. *Id.* He continued to shoot and kill Black customers as he proceeded through the store, apologizing to the white man he unintentionally shot in the leg. *Id.* All told, Payton Gendron fired 60 rounds before he was taken into custody by the Buffalo Police Department. *Id.* at 5. He killed 10 Black people and injured three others; one of them was also Black. *Id.* at 3.

### **B. Relevant procedural background.**

State prosecutors immediately filed charges against Payton Gendron. About a month later, on June 15, 2022, a Criminal Complaint was filed in federal court. ECF No. 1. Approximately one month later, on July 14, 2022, Payton Gendron was indicted by a federal grand jury on 10 counts of violating the Hate Crimes Act resulting in death, 10 counts of discharge of a firearm to commit murder, four counts of a violation of the Hate Crime Act involving an attempt to kill, and 3 counts of discharge of a firearm in relation to a crime of violence. ECF No. 6. This Indictment carries the possibility of the death penalty.

On November 28, 2022, Payton Gendron pleaded guilty in state court to all charges brought against him for the shootings. The homicide convictions carried a sentence of life in prison with no possibility of parole. Sentencing was held on February 15, 2023. Many surviving victims and family members appeared and gave voice to the pain they suffered as a result of Payton Gendron's actions. It was extraordinarily emotional. At one point, emotions boiled over and a person lunged toward Payton Gendron; the courtroom had to be cleared. *See e.g.*, <https://www.youtube.com/watch?v=1IUKeJ0cojI> (last accessed March 23, 2025). The Erie County Court judge permitted video and audio recording of the sentencing hearing by a pool camera. Consequently, the court sentencing proceedings, including the courtroom disturbance, were repeatedly shown by the media and are available on the internet. Payton Gendron was sentenced to life without the possibility of release plus 90 years.

On January 12, 2024, the federal government filed its Notice of Intent to Seek the Death Penalty. ECF No. 125. The government alleged four statutory threshold factors under 18 U.S.C. § 3591(a)(2)(A)-(D), as well as four statutory aggravating factors:

- Grave risk of death to additional persons: “Payton Gendron, in the commission of the offense, and in escaping apprehension for violation of the offense knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.” ECF No. 125 at 3.
- Substantial planning and premeditation: “Payton Gendron committed the offense after substantial planning and premeditation to cause the death of a person.” *Id.*
- Vulnerable victim: “Payton Gendron committed the offense charged in Counts 12, 13, 14, 15, and 19 against a victim who was particularly vulnerable due to old age and infirmity.” *Id.*

- Multiple killings and attempted killings: “Payton Gendron intentionally killed and attempted to kill more than one person in a single criminal episode.” *Id.*

The government also alleged five non-statutory aggravating factors:

- Victim impact: “Payton Gendron caused injury, harm, and loss to the families and friends of Roberta Drury, Pearl Young, Heyward Patterson, Ruth Whitfield, Celestine Chaney, Aaron Salter, Jr., Andre Mackniel, Margus Morrison, Katherine Massey, and Geraldine Talley. The injury, harm and loss caused by Payton Gendron with respect to each victim is evidenced by the victim’s personal characteristics and by the impact of the victim’s death upon his or her family and friends.” ECF No. 125 at 4.
- Injury to surviving victims: “Payton Gendron caused serious physical and emotional injury, and severe psychological impact to individuals who survived the offense and are listed in Counts 21 through 26 of the Indictment.” *Id.*
- Racially motivated killings: “Payton Gendron expressed bias, hatred, and contempt toward Black persons and his animus toward Black persons played a role in the killings of Roberta Drury, Pearl Young, Heyward Patterson, Ruth Whitfield, Celestine Chaney, Aaron Salter, Jr. Andre Mackniel, Margus Morrison, Katherine Massey, and Geraldine Talley.” *Id.*
- Attempt to incite violence: “Payton Gendron, in preparation for and in committing the acts of violence charged in this case, attempted to incite violent action by others.” *Id.*

- Selection of site: “Payton Gendron selected the Tops Friendly Market located at 1275 Jefferson Avenue in Buffalo, New York, in order to maximize the number of Black victims in this case.” *Id* at 5.

### III. Governing Law

The Fifth Amendment guarantees that no person shall be “deprived of life, liberty, or property without due process of law.” US Const. amend. V. Due process requires a trial by an impartial jury. *In re Murchison*, 349 U.S. 133, 136 (1955). The Sixth Amendment specifically guarantees a trial “by an impartial jury of the State and district wherein the crime shall have been committed.” U.S. Const. amend. VI. *See also* Art. III, § 2, cl.3. “The Constitution’s place-of-trial prescriptions, however, do not impede transfer of the proceeding to a different district at the defendant’s request if extraordinary local prejudice will prevent a fair trial – a ‘basic requirement of due process.’” *Skilling v. United States*, 561 U.S. 358, 378 (2010) (quoting *Marchison*, 349 U.S. at 136). Where prejudice may impede a fair trial, Fed. R. Crim. P. 21(a) provides that “[u]pon the defendant’s motion, the court must transfer the proceeding against that defendant to another district if the court is satisfied that so great a prejudice against the defendant exists in the transferring district that the defendant cannot obtain a fair and impartial trial there.”

The Supreme Court has long held that, when the community from which jurors are drawn is sufficiently affected by adverse publicity or by the effects of the events at issue, or both, there arises a presumption of prejudice such that voir dire cannot perform the usual function of securing a fair and impartial jury. *See Sheppard v. Maxwell*, 384 U.S. 333, 362-63 (1966); *Estes v. Texas*, 381 U.S. 532, 543-44 (1965); *Rideau v. Louisiana*, 373 U.S. 723, 726-27 (1963); *Irvin v. Dowd*, 366 U.S. 717, 725-28 (1961). “Presumed prejudice” arises when “media or other community reaction to a crime or a defendant engenders an atmosphere so hostile and pervasive

as to preclude a rational trial process.” *Rock v. Zimmerman*, 959 F.2d 1237, 1252 (3d Cir. 1992), *overruled on other grounds by Brecht v. Abrahamson*, 507 U.S. 619 (1993)). Where the potential of prejudice is sufficiently great, the voir dire process cannot assure an impartial jury. *See Patton v. Yount*, 467 U.S. 1025, 1031 (1984) (“There are times when adverse pre-trial publicity can create such a potential of prejudice in the community that jurors should not be believed if they claim they can be impartial.”). Courts use a “totality of the circumstances” analysis to determine if prejudice should be presumed. *Murphy v. Florida*, 421 U.S. 794, 799 (1975).

*Skilling*, the Court’s most recent pronouncement on change of venue, does not control the outcome here. *Skilling* arose from the Enron collapse and ensuing criminal trial. In *Skilling* the Court rejected the defendant’s claim that the trial court erred in not moving his trial for four reasons.

First, the Court noted that the size and characteristics of the community where the crime occurred are important. In *Skilling* the crime occurred, and the trial took place, in Houston, the fourth most populous city in the Nation. More than 4.5 million people were eligible for jury service. *Skilling*, 561 U.S. at 382. Second, “although news stories about Skilling were not kind, they contained no confession or other blatantly prejudicial information of the type readers or viewers could not reasonably be expected to shut from sight.” *Id.* Third, four years had elapsed between Enron’s collapse, when the bulk of the prejudicial media was generated, and the start of Skilling’s trial. *Id.* at 383. Finally, and “of prime significance” to the Court, Skilling was acquitted of a number of charges which ran counter to Skilling’s argument that prejudice should have been presumed. *Id.*

The facts here are diametrically different. Buffalo’s population is miniscule compared to Houston. Buffalo’s population is 274,678.

<https://www.census.gov/quickfacts/fact/table/buffalocitynewyork,eriecountynewyork,US/PST045223#PST045223>. That is 6% of the size of the *jury pool* in *Skilling* and is more akin to the venue size in *Rideau, supra*, where prejudice was presumed. Unlike in *Skilling*, where the Court found that the “news stories about Enron did not present the kind of vivid, unforgettable information we have recognized as particularly likely to produce prejudice,” the news stories here did just that. There was extensive coverage of the fact that video of the shooting itself was available on the internet. There was media coverage of the video of Gendron’s guilty plea and sentencing where his victims expressed their agony and suffering. There has been extensive coverage of the stories of the surviving victims, much of which includes information that will be inadmissible at trial. As demonstrated below, though a number of years have passed since the shooting, the media coverage remains vigorous. Finally, *Skilling* was not a capital case and there was no claim that Houston’s historic racism resulted in segregated neighborhoods that centered people of color in the impacted areas and dramatically reduced the likelihood of a jury reflecting the diversity of the community.<sup>1</sup>

Other factors that a court may consider include “the extent to which the government is responsible for generating the publicity, the extent to which the publicity focuses on the crime rather than on the individual defendants charged with it, and other factors reflecting on the likely effect of the publicity on the ability of potential jurors in the district to hear the evidence

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<sup>1</sup> Similarly, *United States v. Tsarnaev*, 96 F.4th 441 (1st Cir. 2024) and *In re Tsarnaev*, 780 F.3d 14 (1st Cir. 2015) are not controlling and are distinguishable. The differential in venue size is again significant; Boston is more than twice the size of Buffalo. <https://www.census.gov/quickfacts/fact/table/MA,bostoncitymassachusetts/HSG445223>. Polling data in *Tsarnaev* showed there were “several million people in the venue open to a life sentence even after all the publicity.” *Tsarnaev*, 96 F.4th at 448. Most importantly, there was again no claim in *Tsarnaev* that historic racism and segregation in Boston rendered it highly unlikely a diverse jury could be selected.



impartially.” *United States v. Skelos*, 988 F.3d 645, 659 (2d Cir. 2021) (quoting *United States v. Madonado-Rivera*, 922 F. 934, 967 (2d Cir. 1990)). The Second Circuit, like the Supreme Court in *Skilling*, has recognized that the size of the venue and the amount of time that has passed since the bulk of the negative publicity are significant. *Id.*.

Where jurors will determine not only the guilt or innocence of a defendant but may also determine whether a defendant should be sentenced to death, there are additional constitutional implications. Given the absolute finality of the death penalty there is a “heightened need for reliability” in capital cases. *See, e.g. Caldwell v. Mississippi*, 472 U.S. 320, 323 (1985) (internal quotation marks omitted); *Beck v. Alabama*, 447 U.S. 625, 637-38 & n. 13. Procedures that undercut the reliability of the sentencing determination violate the Eighth Amendment. *See, e.g. Lankford v. Idaho*, 500 U.S. 110, 125-26 & n. 20 (1991); *Eddings v. Oklahoma*, 455 U.S. 104, 118-19 (1982) (O’Connor, J., concurring); *Lockett v. Ohio*, 438 U.S. 586, 605 (1978). This is so even when those same procedures do not otherwise violate due process. *See, e.g. Maynard v. Cartwright*, 486 U.S. 356, 361 (1988) (statute unconstitutionally vague under Eighth Amendment even where it is not vague under Due Process Clause); *Beck*, 447 U.S. at 636-38 (in capital case, Eighth Amendment need for reliability requires instructions on lesser included offenses even though Due Process Clause may not).

The Eighth Amendment requires that capital juries be able to consider and give effect to mitigation evidence. *Penry v. Lynaugh*, 492 U.S. 302, 319 (1989) (“sentencer must . . . be able to consider and give effect to [mitigation] evidence in imposing sentence”). Each individual juror must be able to consider and give effect to mitigation information that the defendant has shown to be true by a preponderance of the evidence. *McCoy v. North Carolina*, 494 U.S. 433, 441 (1990) (quoted in *Tennard v. Dretke*, 542 U.S. 274, 285 (2004)); 18 U.S.C. § 3593(c). “It is of

vital importance . . . that any decision to impose the death sentence be, and appear to be, based on reason rather than caprice or emotion.” *Gardner v. Florida*, 430 U.S. 349, 358 (1977).

The ultimate question is whether there is a “reasonable likelihood that prejudicial news prior to trial will prevent a fair trial.” *Sheppard*, 384 U.S. at 363; *Sabhnani*, 599 F.3d at 232 (same). The decision to grant or deny a change of venue is committed to the sound discretion of the district court. *Skelos*, 988 F.3d at 659.

#### **IV. Grounds for Transferring Venue**

##### **A. The amount of media coverage of this case is overwhelming.**

The defense has tracked 850 local news articles related to the shooting or the people involved. All the estimates of news articles in this Motion are underestimates. Early news media collection efforts relied on key word searches that do not capture unexpected terms and, due to changes in defense team composition and experts, there were brief periods where the defense’s news media collection was not nearly as robust as it could have been. It is likely that this number is a low estimate especially in light of the fact that, over a 12-week period in 2024 to 2025, the defense collected 149 relevant news articles. This works out to an average of 12.4 news articles weekly in the Buffalo media market alone. Using that average and the number of weeks that have passed from 5/14/2022 to 3/25/2025, a more accurate estimate for local news articles would be roughly 1,847. This rough estimate does *not* take into account the spike in coverage that typically occurs following a court appearance nor does it take into account the avalanche of local news media directly following the date of the shooting.

When the government has been responsible for the media coverage, it has been at the highest levels. Former President Biden said Payton Gendron had “a hate-filled soul.”<sup>2</sup> Local politicians entered the fray:

- Governor Kathy Hochul called the shooting “an act of terrorism.”<sup>3</sup>
- Congressman Tim Kennedy referred to Payton Gendron as an “individual filled with pure evil.”<sup>4</sup>
- Former Mayor Byron Brown said: “While I am not ordinarily a proponent of the death penalty, I think people should know ahead of time that if you commit mass murder in the United States of America, the death penalty applies. I think there should be the death penalty for all mass murderers.”<sup>5</sup> He also opined that the death penalty was “the right decision.”<sup>6</sup>
- Former Erie County District Attorney John Flynn claimed to believe that the reason Payton Gendron apologized at his state sentencing was “to save his life in

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<sup>2</sup> *Biden urges unity to stem racial hate after Buffalo grocery store mass shooting*; Associated Press (May 15, 2022)

<sup>3</sup> Michel, Lou et. al.; Buffalo’s worst mass shooting takes 10 lives, leaves 3 wounded; attack called “a racially motivated hate crime”; Buffalo News (May 15, 2022).

<sup>4</sup> Tan, Sandra; et. al.; *Recently retired police officer, mother of former fire commissioner both killed in Tops shooting*; Buffalo News (May 14, 2022).

<sup>5</sup> *Mayor Brown discusses death penalty option*; WGRZ (May 15, 2022).

<sup>6</sup> Lakamp, Patrick et. al.; *Opinions divided on death penalty for Tops shooter*; Buffalo News (January 14, 2024).

federal court. That’s probably the only reason why he said it ... to me, it was not heartfelt at all.”<sup>7</sup>

- Erie County Sheriff John Garcia referred to Gendron as “pure evil.”<sup>8</sup> He also said: “This racist, callous individual spent a great deal of time devising a plan to terrorize the city of Buffalo. I cannot imagine a more appropriate case for capital punishment.”<sup>9</sup> And finally, “[t]his was pure evil: a straight-up racially motivated hate crime from somebody outside our community, outside the city of good neighbors.”<sup>10</sup>
- New York State Senator Rob Ortt thanked the Department of Justice “for stepping in where New York officials wouldn’t, and pursuing the death penalty for Payton Gendron’s horrific, unforgiveable crimes.” He also said, “[w]hile there will never be true justice for the families and loved ones of the victims, pursuing the death penalty for this heinous criminal is the only appropriate response.”<sup>11</sup>

After considering the federal death penalty for 20 months, the Biden Administration chose to announce its intent to pursue the death penalty against Payton Gendron on the weekend

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<sup>7</sup> Gorski, Adam; *Death penalty for Buffalo mass shooter? Why some victims’ families say no*; PIXII (February 16, 2023).

<sup>8</sup> Zremski, Jerry; *Mass shooting seen as a symbol of spread of white supremacist ideology*; Buffalo News (May 14, 2022).

<sup>9</sup> Lakamp, Patrick; *Opinions divided on death penalty for Tops shooter*; Buffalo News (January 14, 2024).

<sup>10</sup> Hickey, John; *Mass shooting seen as a symbol of spread of white supremacist ideology*; Buffalo News (May 14, 2022).

<sup>11</sup> Beagle, Ben; *Report: Justice Department to seek death penalty for Buffalo Tops shooter*; The Daily News (January 13, 2024).

of the Martin Luther King, Jr. holiday. It was the first and only capital authorization during the Biden Administration. During an internal briefing on January 12, 2024, the White House Deputy Press Secretary was pressed on the seeming inconsistency between the DOJ's decision in this case and the President's campaign promise to end the federal death penalty: She responded: "What happened in Buffalo was grotesque and a heartbreaking tragedy."<sup>12</sup>

Survivors were convened by the government at the federal courthouse where prosecutors told them of Attorney General Merrick Garland's decision. Thereafter the survivors spoke to the media. The son of one victim said Payton Gendron "does deserve to die. But I want something worse than that."<sup>13</sup> Specifically, he wanted Gendron "'tortured for the rest of his life' in a state prison surrounded by people who want to kill him on a daily basis or trapped in solitary confinement."<sup>14</sup>

Then Vice President Kamala Harris attended and spoke at a funeral for one of the victims, as did noted civil rights attorney Ben Crump, the Reverend Al Sharpton, then Buffalo Mayor Byron Brown, and New York City Mayor Eric Adams.<sup>15</sup> Former President Biden visited East Buffalo along with Senators Charles Schumer and Kirsten Gillibrand. He visited Tops and laid flowers, gave public comments, and met individually with survivors.<sup>16</sup> He said "evil did come to

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<sup>12</sup> 2024-01-12 Press Briefing by Deputy Press Secretary – White House, pg. 9.

<sup>13</sup> Tokasz, et. al.; Justice Department seeking death penalty for Buffalo mass shooter Payton Gendron, Buffalo News (January 12, 2024).

<sup>14</sup> *Id.* fn. 2.

<sup>15</sup> Ryan, Patrick; *VP Harris visits Buffalo for mass shooting victim's funeral*; WIVB4 (May 28, 2022).

<sup>16</sup> Craig, Gary, et. al.; "Good people": Biden evokes the rich lives of shooting victims during visit with families; Democrat and Chronicle (May 17, 2022); Angers, Angie; *Biden addresses nation after meeting with families impacted by Tops shooting in Buffalo*; Spectrum News (June 10, 2024).

Buffalo” and referred to the shooting as “clearly domestic terrorism.”<sup>17</sup> Then-Attorney General Merrick Garland also came to Buffalo to meet with surviving family members.<sup>18</sup>

The media frenzy in the days and weeks following the shooting was extraordinary though perhaps not entirely unexpected. The defense tracked 130 local news articles in the fourteen days following the shooting. But at least three factors have kept the shooting in the news in the years that followed.

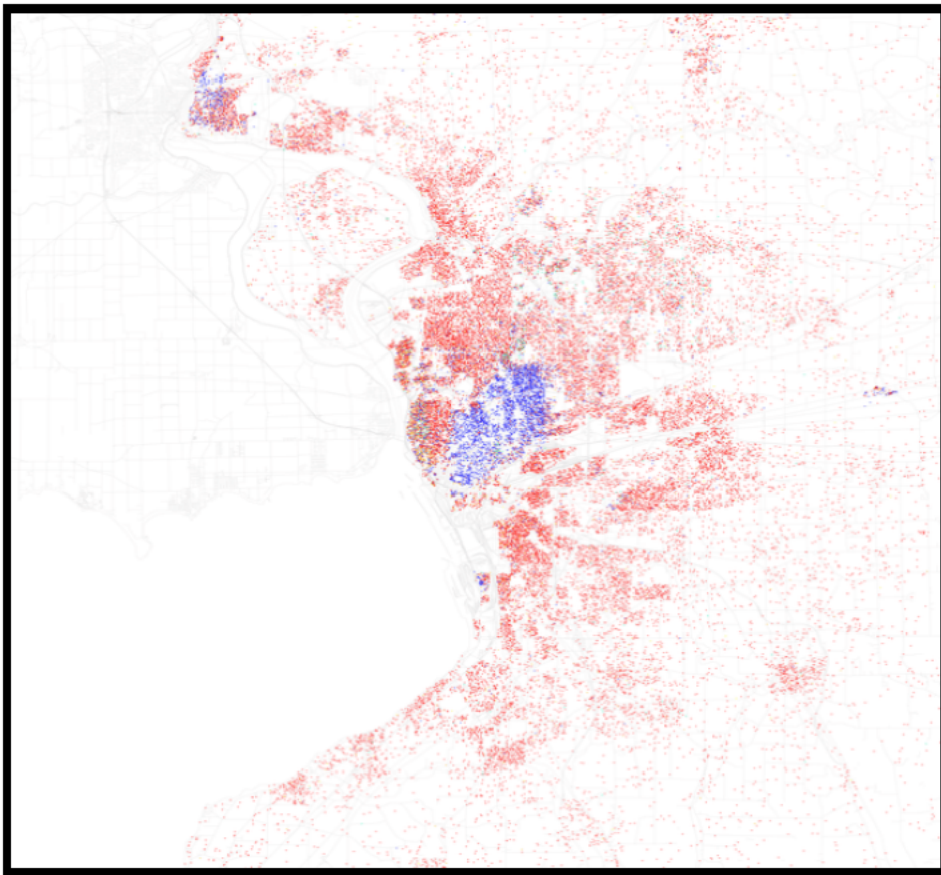
First, the historic racism and segregation experienced in East Buffalo has been repeatedly and well documented. The defense has collected 91 local articles on this topic. In the days following the shooting, debate over whether Buffalo was the most segregated city in the Nation, or the 4<sup>th</sup> or 6<sup>th</sup> most segregated, abounded.<sup>19</sup> A 2010 map of the racial distribution on the Niagara Frontier provided blunt graphics of the extent of that segregation:

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<sup>17</sup> Landis, Austin; *Biden calls white supremacy a “poison,” mourns Buffalo shooting victims*; Spectrum News 1 ((May 17, 2022).

<sup>18</sup> *AG Merrick Garland in Buffalo Wednesday; will meet with shooting victims’ families*; Spectrum News (June 15, 2022).

<sup>19</sup> *Is Buffalo the Most Segregated City in the US?*; BuffaloResearch.com (June 12, 2022), <https://buffaloresearch.com/?s=most+segregated> (last accessed March 26, 2025).



Each dot represents twenty-five people. The blue dots are Black people; the red dots are white people. The depiction of East Buffalo is stark.

After the shooting, local historians highlighted the causes of this segregation, calling attention to Buffalo's racist practices, including the use of racist restrictive covenants, redlining, disinvestment, the development of segregated housing projects, blockbusting, white flight, the displacement of entire neighborhoods by building highways through their center, and predatory lending.<sup>20</sup> Some historians drew an explicit connection between the shooter's racist ideology and Buffalo's history:

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<sup>20</sup> See e.g., Blatto, Anna; *A City Divided: A Brief History of Segregation in Buffalo*, OpenBuffalo, pg. 2 [https://ppgbuffalo.org/files/documents/data-demographics-history/a\\_city\\_divided\\_\\_a\\_brief\\_history\\_of\\_segregation\\_in\\_the\\_city\\_of\\_buffalo.pdf](https://ppgbuffalo.org/files/documents/data-demographics-history/a_city_divided__a_brief_history_of_segregation_in_the_city_of_buffalo.pdf) (last

White racism fueled the shooter's racial hatred. Yet ironically white racism also created the marginalized, underdeveloped neighborhood conditions that drew him to Buffalo. Tops sits in an urban landscape that reflects the ugly reality of Buffalo's structural racism. A sea of substandard rental housing, unkept vacant lots, neglected sidewalks, and streets, surround the store. Nearby, Route 33, the Kensington Expressway, cuts through the East Side; devalues owner-occupied housing; and spews tons of noise and air pollution into the environment. These underdeveloped neighborhood conditions produced harmful social determinants that curtail the quality of life of African Americans and produce adverse economic and health outcomes in the Black community. Consequently, most Black folks in Buffalo don't live long and healthy lives. A 52% differential exists in the premature death rate between Black and white people.

Taylor, Henry-Louis; *The Long History of Residential Segregation in Buffalo*; Black Perspectives (September 12, 2022); <https://www.aaihs.org/the-long-history-of-residential-segregation-in-buffalo/> (last accessed March 26, 2025). Reports such as these led to numerous stories in the mainstream media about the historical inequities in Buffalo. These stories reference the Tops shooting and continue to this day.<sup>21</sup>

Second, there have been numerous articles about the victims who were killed during the attack and remembrances of them. The defense has collected 235 articles concerning this topic. Many of these articles describe in detail the impact of the crime on the families that were affected. Although the anger and the sadness is wholly understandable, survivors' feelings and opinions about whether Payton Gendron should receive the death penalty is inadmissible

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accessed March 30, 2025) (April 2018); Taylor, Henry-Louis et al.; *The Harder We Run: The State of Black Buffalo*, Report to the Buffalo Center for Health Equity (September 2021) <https://ubwp.buffalo.edu/aps-cus/wp-content/uploads/sites/16/2021/10/TaylorHL-The-Harder-We-Run.pdf> (last accessed March 26, 2025); Closson, Troy, "Nobody Cares About Us Here": Anguish and Anger on Buffalo's East Side, New York Times (May 15, 2022) (<https://www.nytimes.com/2022/05/15/nyregion/east-side-buffalo-neighborhood.html>).

<sup>21</sup> Gavin, Robert; *Baskin highlights 5/14 massacre, Buffalo's racist past in Black History Month address*; Buffalo News (February 5, 2025); Kassahun, Pheban; "We are very excited": Buffalo Together Community Response Fund investing in East Buffalo revitalization; WKBW (February 26, 2025); *The Editorial Board: East Side pilot project takes on neighborhood building from the ground up*; Buffalo News (March 13, 2025).



evidence at trial. *Payne v. Tennessee*, 501 U.S. 808 (1991). Below are some representative comments reported in the news media that are inadmissible under *Payne*:

- “I don’t wish death on anyone, but this right here, I have to work on that because I would rather see him dead.”<sup>22</sup>
- “I want the death penalty. I don’t see wasting another dollar on him. He doesn’t care, he only made that statement because we have to go through federal next ... He shot my sister in the head twice, and the death penalty is the only thing I want.”<sup>23</sup>
- “I want to choke him until my fingerprints leave a mark around his neck.”<sup>24</sup>
- “At first I said the death penalty would be too easy. But the way they have him protected in jail? That’s too easy, too.”<sup>25</sup>
- “He’s asking to be spared. Did he show mercy [to] all those other nine victims who asked to be spared? What about when he chose to shoot other people? I’m sure they didn’t get up in the morning and say, ‘I want to be shot today.’ So when he made choices, he also made consequences to himself.”<sup>26</sup>

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<sup>22</sup> Preval Jeff; Family of victims in Tops mass shooting attend court hearing, talk possibility of death penalty; WIVB4 (August 28, 2023).

<sup>23</sup> Gorski, Adam; Death penalty for Buffalo mass shooter? Why some victims’ families say no; PIXII (February 15, 2023).

<sup>24</sup> *Families impacted by Buffalo mass shooting deliver emotional statements*; WKBW (February 14, 2025).

<sup>25</sup> Becker, Maki; *Relatives of victims pack courtroom as accused Tops killer appears in federal court*; Buffalo News (June 16, 2022).

<sup>26</sup> Jansawamy, Revathi; *Families of 5/14 victims speak out after federal court conference*; Spectrum News1 (December 9, 2022).

Third, two of the people directly impacted by the shooting and its aftermath are active in the political arena. In December of 2024, former Buffalo Fire Commissioner Garnell Whitfield announced he was running for Mayor. The Mayoral race is particularly important because it will elect Buffalo's first new Mayor in nearly 20 years. Mr. Whitfield's mother, Ruth Whitfield, was killed in the Tops attack on 5/14. His original platform was shaped by his interests in gun control and combatting white supremacy and domestic terrorism, but his mayoral campaign has broadened to bringing additional resources to Buffalo and East Buffalo in particular. Media stories about his candidacy frequently mention his connection to the Tops shooting and his mother.<sup>27</sup>

Similarly, Zeneta Everhart is the Common Council Woman for the Masten District. She is the mother of Zaire Goodman, one of the surviving victims. The Masten District is in East Buffalo and the district borders the Jefferson Avenue Tops. Councilwoman Everhart won her district with 89% of the vote.<sup>28</sup> The media regularly seeks out Councilwoman Everhart's views on issues having to do with this case.

**B. The importance of a jury that reflects the diversity of the community is at its apex in a case where racial animus is the alleged motive, but such a jury is virtually impossible to secure if the case remains in Buffalo.**

***1. The critical importance of a diverse jury to express the conscience of the community.***

The importance of a jury that represents the diversity of the community cannot be overstated in any case but is at its highest in a case of this type where there are allegations that

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<sup>27</sup> Williams, Deirdre, *Former Fire Commissioner Garnell Whitfield enters campaign for Buffalo Mayor*; Buffalo News (December 3, 2024); Whalen, Ryan, *Democratic Committee interviews prospective Buffalo mayor candidates*; Spectrum News); Sondel, Justin, *Acting Mayor Chris Scanlon takes oath of office in front of a crowd of 1,000*; Buffalo News (November 19, 2024).

<sup>28</sup> Zeneta Everhart wins Buffalo Common Council Masten District seat; Spectrum News 1 (November 8, 2023).

the victims were targeted because of their race. If the verdict is to truly reflect the moral judgement of the community and be accepted as such, it must not be returned by a racially monolithic body. Federal juries are frequently criticized for their whiteness and for their lack of diversity.

Research shows that racially diverse juries “do a better job.”<sup>29</sup> In a 2004 study it was demonstrated that diverse juries deliberated longer and considered a wider range of evidence than all-white juries.<sup>30</sup> When white people were members of diverse juries, the white people “raised more case facts, made fewer factual errors, and were more amenable to discussion of race-related issues.”<sup>31</sup> A different study found that members of diverse juries are “more likely to respect different racial perspectives and to confront their own prejudice and stereotypes when such beliefs are recognized and addressed during deliberations.”<sup>32</sup>

In the Tree of Life Synagogue shooting case in Pittsburgh, the judge expressed his frustration that the jury ultimately selected was all white: “I am personally and profoundly disappointed that this jury as currently composed will not seemingly or at least outwardly fully reflect the full diversity of the citizenry of our community in the Western District of

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<sup>29</sup> Jackson-Gleich, Ginger, *Rigging the Jury*; 61 The Judge’s Journal, 28, 29 (Spring 2022).

<sup>30</sup> *Id.*, fn. 28, citing Samuel R. Sommers, *On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations*, 90 J. Personality & Soc. Psych. 597, 606 (2006).

<https://www.apa.org/pubs/journals/releases/psp-904597.pdf>.

<sup>31</sup> *Id.* fn. 28.

<sup>32</sup> *Id.* fn. 28, citing Deborah Ramirez, *Affirmative Jury Selection: A Proposal to Advance Both the Deliberative Ideal and Jury Diversity*, 1998 Univ. of Chi. Legal F. 161, 164, <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1250&=&context=uclf>.

Pennsylvania.” *United States v. Robert Bowers*, No. 18-292 ECF No. 1277 at 76 (W.D. Pa. May 27, 2023). The *Bowers* judge had reason to be concerned. As Cornell Professor Valerie P. Hans has stated:

The racial representativeness of the jury is especially important in shaping perceptions of legitimacy. The race of jury member is often noted in news stories about jury trials. Boosting legitimacy is important: although a recent survey found that 63% of the American public expressing trust and confidence in the courts, public opinion was split on whether the courts offer “equal justice to all.”

Statement of Valerie P. Hans, PhD., to the Third Department Public Jury Hearing, Franklin H. Williams Judicial Commission, Albany, New York at 2 (January 30, 2025).

“When unpopular verdicts are delivered by juries that appear nondiverse or homogenous, the outrage about these outcomes is often amplified – as these processes violate people’s sense of justice.”<sup>33</sup> For example, when George Zimmerman, who shot and killed Trayvon Martin, an unarmed Black child, was acquitted of second degree murder and manslaughter charges, there was substantial focus on the fact that his all-female jury contained only one nonwhite juror.<sup>34</sup> Protesters took to the streets when the verdict was announced.<sup>35</sup> Similarly, when Kyle Rittenhouse was acquitted of homicide charges after he shot and killed two persons in Kenosha, Wisconsin who were protesting a white officer’s shooting of a Black man reference was made to the fact that the jury was composed of only one person of color.<sup>36</sup> And again, people were

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<sup>33</sup> Bergold, Amanda Nicholson; *What Psychology Says about Jury Diversity*; The Judge’s Journal, Vol. 61, Number 2 (Spring 2022).

<sup>34</sup> *Id.* fn. 32.

<sup>35</sup> Dobnik, Verena; Rallies large and small follow Zimmerman verdict; Associated Press (July 15, 2013); Kamens, Laurie; “*The system has failed*”: Hundreds of demonstrators voice their disappointment and anger over not guilty verdict in George Zimmerman trial; Daily Mail (July 13, 2013).

<sup>36</sup> *Supra*, fn. 32.

outraged, many arguing that if Rittenhouse were Black he would have been convicted.<sup>37</sup>

Protesters took to the streets and the National Guard was activated.<sup>38</sup>

If the verdict in this case is to carry any moral authority, it should be delivered by a diverse group of citizens. But, given the history of segregation in Buffalo, that is exceedingly unlikely if the case is tried in the W.D.N.Y.

**2. *Racial segregation has centered potential Black jurors in the geographical area of Buffalo (and largely only that area) that was profoundly impacted by the shootings and their aftermath.***

The Buffalo-Niagara metropolitan area is extraordinarily segregated. Whether the area is ranked first, fourth, or sixth most segregated in the Nation on the white-black index really doesn't matter; it is a deeply segregated area.<sup>39</sup> The vast majority of Black Buffalo residents – about 85% - live in East Buffalo.<sup>40</sup> Outside Erie County the minority population is sparse. The fact that the Black population is centered nearly exclusively in East Buffalo makes it highly unlikely that potential jurors of color will survive jury selection because of personal connections of minority East Buffalo residents to the shootings and its aftermath.

There is an outsized number of people directly impacted by this shooting. In addition to the 10 deceased victims, there are three injured victims who survived, and an additional 69

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<sup>37</sup> Siciu, Peter; *Justice Served? Many of Social Media React With Outrage to Rittenhouse Verdict*, Forbes Magazine (November 19, 2001); Deliso, Meredith; *Kyle Rittenhouse acquittal sparks protests across US*, ABCNews (November 20, 2021).

<sup>38</sup> *Id.* fn. 36.

<sup>39</sup> Blatto, Anna; *A City Divided: A Brief History of Segregation in Buffalo*, OpenBuffalo, pg. 2 (April 2018); Closson, Troy, “*Nobody Cares About Us Here*”: *Anguish and Anger on Buffalo’s East Side*, New York Times (May 15, 2022) (<https://www.nytimes.com/2022/05/15/nyregion/east-side-buffalo-neighborhood.html>).

<sup>40</sup> Closson, Troy, “*Nobody Cares About Us Here*”: *Anguish and Anger on Buffalo’s East Side*, New York Times (May 15, 2022) (<https://www.nytimes.com/2022/05/15/nyregion/east-side-buffalo-neighborhood.html>).

people in various locations both inside and outside the store, whom the government has alleged were victims of the hate crimes and placed at grave risk of death.

If you are Black and live in Buffalo, there is a significant likelihood that you live in East Buffalo. And if you live in East Buffalo, you very likely shopped regularly at the Tops Market because it was the only full-service grocery store in the neighborhood. East Buffalo was considered a “food desert” until Tops opened in 2003. Others referred to it as “food apartheid.”<sup>41</sup> The Tops Market was more than just a place to purchase groceries. Numerous articles talked about how the residents had to “fight” for the Tops to open.<sup>42</sup> One article highlighted how the citizens fought to “win” a grocery store.<sup>43</sup> When the full-service grocery store opened, East Siders “rejoiced.”<sup>44</sup> The Tops Market was more than just a grocery store; it had “doubled as a gathering spot for two decades.”<sup>45</sup> “[I]t was a neighborhood center where people gathered.”<sup>46</sup>

The impact of the shooting on East Buffalo was felt far beyond those who were killed, injured, or in the vicinity when the shooting occurred. The entire neighborhood was impacted dramatically. When Tops was closed following the shooting, East Buffalo returned to its status as

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<sup>41</sup> Hallikaar, Viktoria; *What’s next for Buffalo’s East Side following Tops mass shooting*; Spectrum News 1 (June 2, 2022).

<sup>42</sup> Young, Andy, *Petition for more grocery store options in Buffalo*; Spectrum News (May 26, 2022); Hallikaar, Viktoria, *Tops shuttle connects Buffalo residents to groceries after mass shooting*; Spectrum News (May 18, 2022).

<sup>43</sup> Bessex, Joshua, *Buffalo market reopens to debate over healing, sensitivity*; Buffalo News (July 15, 2022).

<sup>44</sup> Harris, Jon; *A horrific day at Tops, a store that brought joy to a neighborhood*; Buffalo News (May 14, 2022).

<sup>45</sup> See n. 6.

<sup>46</sup> Lynch, Tara, *“Racism picked the wrong city”: Community gathers to remember victims and promote change*; WIVB4 (May 17, 2022).

a “food desert.” “[T]here was nothing else available anywhere.”<sup>47</sup> Residents had to rely upon pop-up food pantries and the busses that ferried them some distance to and from markets in other parts of town. For persons who had no transportation, getting to and from a place to purchase fresh produce became more onerous. The impact of the Tops closure on the neighborhood was poignantly described by Buffalo Bills offensive tackle Dion Dawkins:

That grocery store, Tops ... it’s still closed. And it’s gonna be closed for a couple more months yet. Now, obviously, that pales in comparison to the loss of life that families are struggling with, but it’s just another terrible part of all this. It’s real. It matters. Because now you have issues of food scarcity, too. For the people in that East Side community, Tops was a place they relied on. And now you’re dealing with inequity in terms of access to nutrition. Because not everyone there has a car. Many people shopped at that specific location because they could get there using public transportation. Then you also have lots of people who would just walk to that store to get what they needed. It was the closest, best option for getting food. So now what?

Dawkins, Dion, Buffalo; The Players’ Tribune (June 16, 2022)

<https://www.theplayerstribune.com/posts/dion-dawkins-buffalo-bills-nfl-football-shooting> (last accessed March 26, 2025).

Frequently when public spaces are the subject of a mass shooting the space is permanently closed. For example, Robb Elementary School, the scene of the massacre of 19 students and two teachers in Uvalde, Texas will not reopen as a school in order to prevent retraumatization.<sup>48</sup> Similarly, Sandy Hook Elementary in Newton, Connecticut, the scene of the mass killing of twenty 6- and 7-year olds and 6 adults was razed and rebuilt.<sup>49</sup> “Demolishing

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<sup>47</sup> Hallikaar, Victoria, *Tops shuttle connects Buffalo residents to groceries after mass shooting*, Spectrum News 1 (May 18, 2022).

<sup>48</sup> Jiminez, Omar; “*We’re not going back*”: Uvalde superintendent reaffirms no students will return to Robb Elementary after massacre; CNN (June 4, 2022).

<sup>49</sup> Yan, Holly et. al.; *Robb Elementary School may be demolished. Here’s what happened to schools after other horrifying attacks*; CNN (September 5, 2022).

schools after a mass shooting has become common enough that there is a federal grant process available.”<sup>50</sup>

When Tops eventually reopened, some local residents were relieved, but many felt it was too much. “We’re saying that it’s too soon to go back into a store where we’re literally walking on the blood of our elders and those that have died to get things that we need. It’s also retraumatizing to go back into a space where people have been murdered.”<sup>51</sup> A witness at Payton Gendron’s state sentencing said:

The whole community is hurting, man. You know, you broke it. You divided this community so much that it’s painful. We’ll never heal from this. Can you imagine you wake up on a Sunday morning and you go shopping and you shopping on a graveyard? Because that’s what Tops is. Now it’s a graveyard. It is a graveyard. Can you imagine going to buy your grocery at Forest Lawn?

State Court Sentencing Transcript 29:4-13 (February 15, 2023).

Some community members said they would never return to Tops, and that they still feared seeing a white person walk through their predominantly Black neighborhood.<sup>52</sup>

The swath of people who were affected by the shooting and its aftermath is broad:

Post-traumatic stress isn’t limited to the witnesses of mass shootings or to those who lost a loved one. People who live nearby and heard the sirens could be affected, said Dr. Angela Moreland, a psychologist and associate professor at the Medical University of South Carolina, which runs the Charleston-based National Mass Violence Victimization Resource Center. The stress could be inflicted on anyone who shops at Tops, even outside the neighborhood. It could impact any Black person, anywhere – or anyone from any group that feels marginalized and potentially in danger.

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<sup>50</sup> See fn. 49.

<sup>51</sup> Baker, Liz; *Tops grocery store in Buffalo reopens to mixed reactions after mass shooting*; NPR (July 15, 2022).

<sup>52</sup> Ellis, Niquel Terry; *“People are afraid.” Buffalo supermarket reopens as fear and trauma still grip community*; CNN (July 15, 2022).



O'Shei, Tim et. Al.; *"A lot of confusion, a lot of sadness:" Moving forward slowly after tragedy* – *Communities scarred by trauma seek ways to heal the heartbreak*; Buffalo News (June 5, 2022).

**3. *An extraordinary number of community organizations sprang to action in the aftermath of the shootings and to the extent East Buffalo residents have been involved in volunteerism of this sort they are likely to be excluded from jury service.***

The extraordinary number of community organizations that arose to assist the victims and the neighborhood in the wake of the shootings is laudable, but it also renders a potentially wide group of potential jurors unlikely to be able to serve. Volunteers for these organizations are likely to be susceptible to both cause challenges and peremptory strikes. The emotional impact of this offense on the citizenry was potent. Buffalo is known as the "city of good neighbors" and Buffalonians wanted to put that face front and center. Current and former Buffalo Bills and Buffalo Sabres showed up to express sympathy and volunteered their time and their foundations to help all of those impacted by the shootings.<sup>53</sup> Denizens of East Buffalo wanted to show they could protect their own and step up to help their neighbors. In the wake of the shootings (and continuing to this day) there was an enormous outpouring of local philanthropic activity aimed at helping the survivors and the neighborhood heal. What follows is a listing of community organizations that were inspired by the shootings and a desire to help those impacted. It is not a

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<sup>53</sup> See, e.g., Hopmayer, Rachel, *Bills, Sabres alumni pay respects after Buffalo mass shooting*, Spectrum News 1 (May 19, 2022); Fitzgerald, Katherine; *Bills' Dion Dawkins charity cornhole tournament benefits families of victims of Tops shooting*; Buffalo News (May 22, 2022); Flerro, Nick; *Scenes from Bills Visit to Buffalo's East Side*; Buffalo Bills on SI (May 19, 2022); <https://www.si.com/nfl/bills/news/scenes-from-bills-visit-to-buffalos-east-side> (last accessed March 26, 2025) (around 100 members of the Buffalo Bills organization, wearing "Choose Love" tee shirts, visited the neighborhood of the shooting where they prayed, passed out food, and served meals).

complete list. The organizations that are located in East Buffalo are designated with “\*”.\*<sup>54</sup>

Organizations that have no listed address or have multiple locations but at least partially base operations, outreach efforts, and events in East Buffalo are designated with “\*\*\*”:

Name	Summary	Location
1. <b>“The Buffalo 10 Massacre: Spoken Word Poetry for Healing and Understanding” by Dr. Silvia Lloyd</b>	“In 2022, Dr. Lloyd published <i>The Buffalo 10 Massacre: Spoken Word Poetry for Healing and Understanding</i> , an award-winning social justice curriculum. She refers to it as, “the ultimate call to raise consciousness of inequity in the Black community.” <b>Silvia Lloyd</b> , <a href="https://drsilvialloyd.com/">https://drsilvialloyd.com/</a> (last visited Mar. 28, 2025).	N/A
2. <b>5/14 Memorial Commission**</b>	“The mission of the 5/14 Memorial Commission is to respectfully develop a living and lasting memorial that will honor the survivors and the lives lost during the racially motivated mass shooting in East Buffalo. The living memorial will embrace the wishes of the families, honor the legacies of their loved ones, reflect the wishes of those who lived through the experience, and provide ongoing transparency and comfort to members of the community.” <b>5/14 Memorial Commission</b> , <a href="https://www.buffalony.gov/1609/514-Memorial-Commission">https://www.buffalony.gov/1609/514-Memorial-Commission</a> (last visited Mar. 28, 2025).	65 Niagara Square Buffalo, NY 14202
3. <b>5/14 Remembrance Committee**</b>	“City of Buffalo Mayor Byron W. Brown has created a 5/14 Remembrance Committee. The committee has been tasked with creating community events taking place in May 2023 marking the one-year occurrence of the racially motivated mass shooting at the Jefferson Avenue Tops Friendly Markets on May 14, 2022.” <i>Mayor Brown Announces a 5/14 Remembrance Committee to Honor Tops Massacre Victims &amp; Their Families</i> , <b>City of Buffalo Press Releases</b> , Dec. 21, 2022.	65 Niagara Square Buffalo, NY 14202
4. <b>5/14 Survivors Fund (National Compassion Fund)</b>	“In partnership with Tops, the National Compassion Fund has established the Buffalo 5/14 Survivors Fund to provide direct financial assistance to the survivors of the deceased and those directly affected by this tragedy.” <b>National Compassion Fund</b> , <i>Buffalo 5/14 Survivors Fund</i> , <a href="https://nationalcompassionfund.org/fund/buffalo-survivors-fund/">https://nationalcompassionfund.org/fund/buffalo-survivors-fund/</a> (last visited Mar. 28, 2025).	PO Box 2770 Hyattsville, MD 20784
5. <b>Legacy 5.14 Scholarship (Legacy 514 5K; Bruce Smith Celebrity Gala;</b>	“Our mission is to improve the lives of underserved communities, beginning with the City of Buffalo, NY, which was adversely affected on May 14, 2022, by hate inspired racist shooting at the Tops market in East Buffalo. By providing access to education and equality-based health care, we believe in creating a sustainable solution that will;	34 Benwood Avenue Buffalo, NY 14214

<sup>54</sup> \* Organizations located on the East Side in accordance with a Buffalo neighborhood map University at Buffalo, *City of Buffalo – Neighborhoods*, <https://library.buffalo.edu/maps/buffalo-wnymaps/buffalo-neighborhoods.html#key> (last accessed Mar. 28, 2025).

<b>Bruce Smith Celebrity Golf Tournament)*</b>	empower individuals and communities to become self-sufficient and thrive. We strive to foster a culture of compassion, inclusivity, and social responsibility through our programs, collaborative partnerships, and advocacy efforts. Our goal is to positively impact the world by promoting equality, justice, and human dignity for all.” <b>Legacy 514</b> , <i>About</i> , <a href="https://legacy514.com/about/">https://legacy514.com/about/</a> (last visited Mar. 28, 2025).	
<b>6. African American Cultural Center*</b>	“Since 1958, the African-American Cultural Center, Inc. has enabled spirits to soar and offered sanctuary, validation and celebration for the duality of being African and American. The African American Cultural Center was founded by Malcolm Erni, an evangelist with Caribbean roots who had a devout faith in the virtue of his ancestry. Born and raised in Buffalo NY, Erni dreamed of a cultural and spiritual sanctuary where young people would learn that, God is a God of all races and ethnic group.” <b>African American Cultural Center</b> , <i>About Us</i> , <a href="https://www.aaccbuffalo.org/">https://www.aaccbuffalo.org/</a> (last visited Mar. 28, 2025).	350 Masten Avenue Buffalo, NY 14209
<b>7. African Heritage Food Co-op*</b>	“This co-op is an answer to the lack of black food store ownership in the black community. It is an attempt at giving ownership and control to those that live in the community. It is an effort to allow the dollar to circulate in the community.” <b>Facebook</b> , <i>African Heritage Food Co-Op</i> , <a href="https://www.facebook.com/ahfcbuffalo/about_details">https://www.facebook.com/ahfcbuffalo/about_details</a> (last visited Mar. 28, 2025).	238 Carlton Street Buffalo, NY 14204
<b>8. Agents for Advocacy</b>	“As the Founder and Executive Director of this non-profit organization, I stand before you with a heavy heart and an unwavering commitment to justice. The inception of this nonprofit was fueled by a personal tragedy that forever changed my life. On May 14, 2022, my beloved mother fell victim to an act of domestic terrorism at Tops Market. This senseless act, orchestrated by a white supremacist, claimed the lives of ten innocent people and left three others wounded. In the face of unimaginable grief, I found the strength to transform pain into purpose. Agents for Advocacy was born out of a deep desire to fight for social and economic justice, to challenge systems of oppression, and to ensure that no one else endures the pain my family and countless others have experienced.” <b>Agents for Advocacy</b> , <i>About Us</i> , <a href="https://www.agentsforadvocacy.org/about">https://www.agentsforadvocacy.org/about</a> (last visited Mar. 28, 2025).	505 Ellicott Street Suite a40 Buffalo, NY 14203
<b>9. American Food Equity Conference (2022)</b>	“Background In the aftermath of the May 14, 2022 racially-motivated mass shooting at an East Buffalo supermarket, a national discussion ensued concerning America’s chronic racial inequities: fresh food access; nutrition education, healthcare, and related disinvestments in urban minority communities.  Conference Purpose Gather America’s leading food justice scholars, educators, investment and finance experts, and urban growth leaders to a) examine food inequity, b) hear and respond to Buffalo Black citizens’ presentations on	One Seneca Tower Buffalo, NY 14203

	existing efforts to reduce the “grocery gap,” and c) issue a report to the nation on innovative models to create food justice.	
	This conference is dedicated to the memory of those lost in East Buffalo on May 14, 2022.” <b>American Food Equity Conference</b> , <a href="https://americanfoodequity.org/">https://americanfoodequity.org/</a> (last visited Mar. 28, 2025).	
<b>10. Back to Basics Ministries/WNY Peacemakers*</b>	“The Buffalo Peacemakers Youth Violence and Gang Intervention Program intervenes in the lives of gang-involved or at-risk youth to help them live safe and positive lives. Staff members are drawn from five community peace-making groups — Back to Basics Outreach Ministries Inc., Buffalo F.A.T.H.E.R.S., GYC Ministries, MAD DADS, and the Stop the Violence Coalition, Inc.” <b>Back to Basics Ministries, Peacemakers</b> , <a href="https://www.backtobasicsministries.org/peacemakers/">https://www.backtobasicsministries.org/peacemakers/</a> (last visited Mar. 28, 2025).	971 Jefferson Avenue Buffalo, NY 14204
<b>11. Best Self Behavioral Health*</b>	“BestSelf Behavioral Health is an innovative organization formed through the merger of Child & Adolescent Treatment Services and Lake Shore Behavioral Health in June 2017. Both organizations served this community for a combined 120 years and are proven leaders in innovative delivery of behavioral health services in Western New York. Our shared reputation and stellar delivery of quality care in the community, led the Boards of Directors of both organizations to the creation of what is now the largest community-based behavioral health organization serving children and adults of all ages in Western New York.” <b>Best Self Behavioral Health, About Us</b> , <a href="https://www.bestsselfwny.org/who-we-are/">https://www.bestsselfwny.org/who-we-are/</a> (last visited Mar. 28, 2025).	695 Genesee Street Buffalo, NY, 14211; 1500 Broadway Street Buffalo, NY, 14212
<b>12. Black Love Resists in the Rust (BLRR)</b>	“BLRR is a member-led, abolitionist organization, founded in 2017 that seeks to build and fortify strong, resourced, thriving communities in Buffalo, New York. BLRR’s work has heavily focused on exploring alternatives to policing and reducing the harms of the Buffalo Police Department and all carceral systems.” <b>Black Love Resists in the Rust</b> , <a href="https://blackloveresistsintherust.org/">https://blackloveresistsintherust.org/</a> (last visited Mar. 28, 2025).	N/A
<b>13. Blue Collar U (University at Buffalo Men’s Basketball Team Alumni)</b>	“The team announced on its social media sites that it is auctioning a set of Blue Collar U jerseys from The Basketball Tournament, and will donate money from the auction to the families of Aaron Salter, Ruth Whitfield, Katherine Massey, Roberta Drury, Heyward Patterson, Pearl Young, Celestine Chaney, Geraldine Talley, Margus Morrison and Andre Mackniel, all of whom were killed in a racially motivated shooting May 14 in Buffalo.” Rachel Lenzi, <i>Blue Collar U auctioning jerseys, proceeds to go to families of Tops Markets shooting victims</i> , <b>Buffalo News</b> , Jul. 22, 2023.	N/A
<b>14. Blue Flag Initiative*</b>	“Mayor Byron W. Brown announces the start of the 5/14 Blue Flag Initiative in honor of the lives taken during the 5/14 Racially-Motivated Mass Shooting at Tops on Jefferson Avenue. The initiative is sponsored by Roswell Park Comprehensive Cancer Center and is a collaboration between the Mayor’s Office, the City of Buffalo Common Council, the	Jefferson Avenue Corridor Buffalo NY 14208

	<p>Buffalo Public Schools, and local artists Brandon Watson and Brendan Bannon.</p> <p>The initiative calls for the creation of blue cyanotype-design flags that will be hung along the Jefferson Avenue corridor. The 5/14 Blue Flag Initiative Members of the public are invited to attend one of several cyanotype flag-making workshops. The workshops will take place at various locations throughout the community.”</p> <p><i>Mayor Brown Announces The 5/14 Blue Flag Initiative, City of Buffalo Press Releases</i>, May 2, 2024.</p>	
<b>15. Broadway Fillmore Neighborhood Housing Services*</b>	<p>“BFNHS works to improve the Broadway-Fillmore neighborhood. Broadway-Fillmore Neighborhood Housing Services, Inc. (BFNHS) is a neighborhood-based, not-for-profit corporation. The primary purpose of the organization is the provision of decent housing that is affordable to low and moderate income persons and families. Almost 100% of all persons who benefit from BFNHS housing programs are low-income (less than 80% of the area median income) or very low income (less than 50% of area median income).”</p> <p><b>Broadway Fillmore Neighborhood Housing Services</b>, <a href="https://www.780fillmore.org/">https://www.780fillmore.org/</a> (last visited Mar. 28, 2025).</p>	780 Fillmore Avenue Suite A Buffalo, NY 14212
<b>16. Buffalo Bandits</b>	<p>“Help the community and honor the lives of the victims from Saturday’s racist attack on the East Side.”</p> <p>Jordan LaBarber, <i>Bandits Join Bills, Sabres in Supporting Buffalo’s East Side</i>, <b>Buffalo Bandits</b>, May 18, 2022.</p>	KeyBank Center One Seymour H. Knox III Plaza Buffalo, NY 14203
<b>17. Buffalo Bills Foundation</b>	<p>“Mission Statement: The Buffalo Bills Foundation supports organizations that are committed to improving the quality of life in our region. This will be achieved through philanthropic investment in our community along with supporting NFL and team charitable initiatives. Focus: The Buffalo Bills Foundation is focused on addressing child hunger, increasing access to nutritious food for families, and supporting healthy eating in the Western New York region.”</p> <p><b>Buffalo Bills</b>, <i>Buffalo Bills Foundation</i>, <a href="https://www.buffalobills.com/community/bills-foundation">https://www.buffalobills.com/community/bills-foundation</a> (last visited Mar. 28, 2025).</p>	One Bills Drive Orchard Park, NY 14127
<b>18. Buffalo Black Caucus</b>	<p>“On May 14<sup>th</sup>, 2022, our Buffalo community was deeply scarred by the devastating TOPS Grocery Store Shooting. This horrific act claimed the lives of ten individuals and left lasting wounds on many more. In the face of such senseless violence, we knew that while the pain might never fully vanish, it could serve as a catalyst for change. From the ashes of that tragedy, the Buffalo Black Caucus emerged—initiated by the 5/14 Remembrance Alliance under the inspiring leadership of Zeneta Everhart. Zeneta, a respected community leader and a mother who endured personal loss when her son was injured in the attack, envisioned an organization that would not only honor the memory of those we lost but also mobilize our community toward healing and growth.</p> <p>Today, we are more than a memorial. We are a movement dedicated to transforming grief into empowerment. Our focus is clear: to mobilize</p>	N/A

	<p>our community to build and secure wealth, equip ourselves with the tools for fulfilling lives, and reclaim the areas—like financial literacy, civic engagement, education, and healthcare—where Black communities have long been divested.”</p> <p><b>Buffalo Black Caucus</b>, <i>About</i>,  <a href="https://www.buffaloblackcaucus.com/about">https://www.buffaloblackcaucus.com/about</a> (last visited Mar. 28, 2025).</p>	
<b>19. Buffalo Books**</b>	<p>“Buffalo Books was established by Jillian Hanesworth under Literary Freedom, LLC. The purpose of this initiative is to increase access to books by placing tiny libraries on the east side of Buffalo. To take it a step further, this project will also directly support local authors, by filling the libraries with books exclusively written by local authors.”</p> <p><b>Poet Jillian Hanesworth</b>, <i>Buffalo Books</i>,  <a href="https://www.jillthepoet.com/blank-page">https://www.jillthepoet.com/blank-page</a> (last visited Mar. 28, 2025).</p>	N/A
<b>20. Buffalo Center for Health Equity*</b>	<p>“The Buffalo Center for Health Equity (BCHE) is committed to eliminating health inequities in our region by addressing the racial, economic, and other social conditions that persist in our communities.”</p> <p><b>Buffalo Center for Health Equity</b>,  <a href="https://buffalohealthequity.com/about/overview/">https://buffalohealthequity.com/about/overview/</a> (last visited Mar. 28, 2025).</p>	<p>Canisius University Health Sciences Building Room 209 2001 Main Street Buffalo, NY 14208</p>
<b>21. Buffalo Community Fridge*</b>	<p>“We are a grassroots, 100% volunteer-led mutual aid network of community fridges dedicated to giving Buffalo communities access to fresh and healthy food. Our mission is to build stronger community bonds, eliminate food waste, and address food insecurity in Buffalo, New York.”</p> <p><b>Buffalo Community Fridge</b>, <i>About</i>,  <a href="https://www.buffalocommunityfridges.com/about">https://www.buffalocommunityfridges.com/about</a> (last visited Mar. 28, 2025).</p>	<p>286 East Ferry Street Buffalo, NY 14208; 167 Herkimer Street Buffalo, NY 14213 45 Jewett Avenue Buffalo, NY 14214</p>
<b>22. Buffalo F.A.T.H.E.R.S.*</b>	<p>“The Buffalo Peacemakers Youth Violence and Gang Intervention Program intervenes in the lives of gang-involved or at-risk youth to help them live safe and positive lives. Staff members are drawn from five community peace-making groups — Back to Basics Outreach Ministries Inc., Buffalo F.A.T.H.E.R.S., GYC Ministries, MAD DADS, and the Stop the Violence Coalition, Inc.”</p> <p><b>Back to Basics Ministries</b>, <i>Peacemakers</i>,  <a href="https://www.backtobasicsministries.org/peacemakers/">https://www.backtobasicsministries.org/peacemakers/</a> (last visited Mar. 28, 2025).</p>	<p>971 Jefferson Avenue Buffalo, NY 14204</p>
<b>23. Buffalo Fashion Runway</b>	<p>“Buffalo Fashion Runway is more than an event—we’re a catalyst for creative transformation. Each runway show, each casting call, each late-night gathering generates ripples of opportunity across Buffalo’s creative landscape. We’ve become a critical platform for emerging designers to transition from raw talent to professional excellence, creating pathways that didn’t exist before.</p>	N/A



	<p>Our work directly supports local economies, connecting designers with resources, opportunities, and a network that extends far beyond a single show. We've helped launch careers, inspired collaborations, and proven that Buffalo's creative potential knows no boundaries."</p> <p><b>Buffalo Fashion Runway, <i>Our Impact</i></b>,  <a href="https://buffalofashionrunway.com/bfr">https://buffalofashionrunway.com/bfr</a> (last visited Mar. 28, 2025).</p> <p>"One of the designs featured on the runway, a jersey, will commemorate the 10 people who were killed in a racist mass shooting at Tops on May 14, 2022."  Francesca Bond, <i>Buffalo fashion designers honor black history on the runway</i>, <b>Buffalo News</b> (Feb. 19, 2024).</p>	
24. <b>Buffalo Funk Fest Foundation (Jefferson Avenue Friday Night Live)*</b>	<p>"Marnetta's newest offering, Jefferson Avenue Friday Night Live, builds upon the success of Funk Fest by bringing live music and entertainment to the East Side more regularly. She had been planning to do an event on Jefferson for a while focused on the community's small business owners. After the racist attacks of 5/14 devastated community members, she knew she had to do something now. Last year, she transitioned Funk Fest to begin on Friday night with a block party on Jefferson Avenue. That Friday night event was so successful, and the need for both joy and resources in that area remains so great, that Marnetta decided to continue the block party this summer."</p> <p><i>Partner Profile: Buffalo Funk Fest and Jefferson Avenue Friday Night Lights</i>, <b>Ralph Wilson Park Conservancy</b>, May 3, 2023.</p>	Jefferson Avenue and E Utica Street Buffalo, NY 14208
25. <b>Buffalo Gators</b>	<p>"Buffalo Gator Youth Football and Cheerleading is a independent recreational youth football league in Buffalo, Ny. The Gators fosters an environment of sportsmanship, accountability, competition, player development, inclusion and diversity, safety, community and FUN. The objective of our team is for our youth to learn how to play the game of football while developing critical life skills in teamwork, competition, sportsmanship and friendship. Buffalo Gators football is a 501(c)(3)"</p> <p><b>Buffalo Gators, <i>About</i></b>,  <a href="https://www.buffalogatorsyouthfootball.com/about">https://www.buffalogatorsyouthfootball.com/about</a> (last visited Mar. 28, 2025).</p> <p>"Wayne Jones, the only child of 65-year-old Celestine Chaney, who was also killed in the attack, said his saving grace has been coaching youth football.  "Right now, I need them as much as they need me," he said of his team of 9- and 10-year-olds called the Buffalo Gators."  Bill Hutchinson and Alysha Webb, <i>6 months after Buffalo Massacre, some survivors say time has done little to heal</i>, <b>ABC News</b>, Nov. 14, 2022.</p>	N/A
26. <b>Buffalo Go Green*</b>	<p>"Buffalo Go Green, Inc. provides services and training throughout Western New York while helping to develop young minds to become leaders in Green Industries and Agriculture. We also optimize healthy eating by providing fresh produce, food, and meals to communities in our region."</p> <p><b>Buffalo Go Green, <i>Our Mission</i></b>,  <a href="https://buffalogogreen.org/">https://buffalogogreen.org/</a></p>	45 Pembroke Avenue Buffalo, NY 14215

(last visited Mar. 28, 2025).

27. <b>Buffalo History Museum Memento Preservation and Remembrance Ceremony</b>	<p>“As a member of the 5/14 Buffalo Massacre Community Memory Coalition, we continue our collaboration to combat white supremacy by collecting, documenting, and preserving an intentional and authentic record of the May 14, 2022, racist massacre on Buffalo’s East Side. This growing network of survivors, community members, and heritage-based professionals will create a repository of collective memory that will include, but not be limited to, oral history recordings and the preservation of mementos.”</p> <p><b>The Buffalo History Museum</b>, <i>Contemporary Collecting Initiatives</i>, <a href="https://buffalohistory.org/collecting/">https://buffalohistory.org/collecting/</a> (last visited Mar. 28, 2025).</p>	453 Forest Avenue Buffalo, NY 14213
28. <b>Buffalo Moms Demand Justice for Gun Sense in America</b>	<p>“Moms Demand Action is a grassroots movement of Americans fighting for public safety measures that can protect people from gun violence. We pass stronger gun laws and work to close the loopholes that jeopardize the safety of our families. We also work in our own communities and with business leaders to encourage a culture of responsible gun ownership. We know that gun violence is preventable, and we’re committed to doing what it takes to keep families safe.”</p> <p><b>Moms Demand Action</b>, <i>About</i>, <a href="https://momsdemandaction.org/about/">https://momsdemandaction.org/about/</a> (last visited Mar. 28, 2025).</p>	N/A
29. <b>Buffalo, NY Branch National Association for the Advancement of Colored People (NAACP)</b>	<p>“The purpose of the Buffalo Branch of the National Association for the Advancement of Colored People shall be to improve the political, educational, social and economic status of minority groups; to eliminate racial prejudice; to keep the public aware of the adverse effects of racial discrimination; and to take lawful action to secure its elimination, consistent with the efforts of the national organization and in conformity with the articles of Incorporation of the Association, its Constitution and By-Laws, and as directed by the National Board of Directors”</p> <p><b>Buffalo NAACP</b>, <i>About</i>, <a href="https://buffalonaacp.org/about-us/">https://buffalonaacp.org/about-us/</a> (last visited Mar. 28, 2025).</p>	163 Broadway St Buffalo, NY 14204
30. <b>Buffalo Philharmonic Orchestra ‘Concert for Healing’</b>	<p>“Mission Statement The Buffalo Philharmonic Orchestra Society, Inc. employs and supports a professional major symphony orchestra of artistic excellence that is integral to Buffalo-Niagara’s vitality through the presentation of live symphonic music and other musical events, which inspire, educate and entertain the broadest possible audiences within Buffalo-Niagara and beyond.”</p> <p><b>Buffalo Philharmonic Orchestra</b>, <i>Mission Statement</i>, <a href="https://bpo.org/mission-and-history/">https://bpo.org/mission-and-history/</a> (last visited Mar. 28, 2025).</p>	786 Delaware Ave Buffalo, NY 14209; 3 Symphony Circle Buffalo, NY 14201
31. <b>Buffalo Sabres Foundation</b>	<p>“MISSION STATEMENT To identify and support organizations in Western New York which share our core objectives: serving children and military personnel, caring for the sick, assisting physically and mentally challenged athletes, and supporting youth hockey initiatives. By utilizing financial resources and community influence, the Buffalo Sabres Foundation assists these organizations and their beneficiaries in realizing their highest potential and succeeding in their endeavors.”</p> <p><b>Buffalo Sabres</b>, <i>Sabres Foundation</i>, <a href="https://www.nhl.com/sabres/community/about">https://www.nhl.com/sabres/community/about</a> (last visited Mar. 2025).</p>	KeyBank Center One Seymour H. Knox III Plaza Buffalo, NY 14203



<b>32. Buffalo Together Community Response Fund**</b>	<p>“The Buffalo Together Community Response Fund (BTCRF) was formed in the aftermath of the massacre to work towards a more just and equitable community. Initially a collaboration of 14 local funding organizations, BTCRF raised \$6.3 million and provided emergency response grants totaling \$655,000 to 86 community-based organizations serving the East Side...Our work addresses conditions resulting from long-standing structural oppression and lack of investment that have harmed communities of color and blocked investment in East Side neighborhoods.”</p> <p><b>Buffalo Together</b>, <i>Community Response Fund</i>, <a href="https://www.buffalotogetherfund.org/">https://www.buffalotogetherfund.org/</a> (last visited Mar. 28, 2025).</p>	N/A
<b>33. Buffalo Tree Lighting Ceremony (2022)</b>	<p>“This year the city of Buffalo’s tree lighting ceremony was dedicated to the lives lost during the mass shooting on May 14.”</p> <p><i>Buffalo dedicates tree lighting to lives lost on 5/14</i>, <b>WGRZ</b>, Dec. 13, 2022.</p>	Fountain Plz, Buffalo, NY 14203
<b>34. Buffalo United Resiliency Center*</b>	<p>“The Buffalo United Resiliency Center (BURC) was created to offer a long-term, healing-centered environment where individuals can comfortably connect with others while accessing appropriate services to aid in the healing process after the May 14 tragedy.</p> <p>The Buffalo Urban League (BUL) is a 501c3 nonprofit organization that has brought positive change and opportunities for a better future to hundreds of thousands of lives in the Buffalo-Niagara region. Our services build strong and stable families by empowering individuals to secure economic self-reliance, parity, power, and civil rights. Our programs serve individuals from birth through senior years by providing family support and stabilization services, foster care, adoption, education, job training, employment, scholarships, health awareness, crisis counseling, financial management, business development, technical assistance, and housing counseling to individuals in our community.”</p> <p><b>Buffalo United Resiliency Center</b>, <i>About</i>, <a href="https://www.theburc.org/">https://www.theburc.org/</a> (last visited Mar. 28, 2025).</p>	1140 Jefferson Avenue Buffalo, NY 14208
<b>35. Buffalo Urban League</b>	<p>“Health and wellness</p> <ul style="list-style-type: none"> <li>• We recognize wellness as the critical foundation of all our work.</li> </ul> <p>Housing</p> <ul style="list-style-type: none"> <li>• We provide our neighbors with homeownership education, first-time homebuyer assistance, financial empowerment and more</li> </ul> <p>Workforce development</p> <ul style="list-style-type: none"> <li>• Further preparing individuals for the workforce through educational means”</li> </ul> <p><b>Buffalo Urban League</b>, <i>What We Do</i>, <a href="https://www.bulny.org/">https://www.bulny.org/</a> (last visited Mar. 28, 2025).</p>	15 Genesee Street Buffalo, NY 14203
<b>36. Candles in the S.U.N.</b>	<p>“Candles In The S.U.N. (Save Ur Neighborhood) knows that our strength lies not only in the words we stand by, but most importantly through the actions of our initiatives through education, mentorship and co-curricular activities. Our Non-Profit Organization realized that by uniting together we can advance our communities and overcome the challenges faced by families and youth in intercity neighborhoods. It is important to uplift ur neighbor and shine ur light by being a blessing.</p>	180 Richmond Avenue Buffalo, NY 14222

	<p>The passion for advancing communities is why we decided to launch Candles In The S.U.N.”</p> <p><b>Candles in the S.U.N.</b>, <i>Who We Are</i>, <a href="https://www.candlesinthesun.com/">https://www.candlesinthesun.com/</a> (last visited Mar. 28, 2025).</p>	
<b>37. Collaboration on Poverty</b>	<p>“To eliminate poverty through the collective impact of Community Action Organization of WNY, Buffalo Federation of Neighborhood Centers, and Community Health Center of Buffalo, INC. while taking action to improve the health and well-being of communities of color, and other historically marginalized populations in Erie and Niagara Counties.”</p> <p><b>COPE</b>, <i>About Us</i>, <a href="https://www.copewny.org/mission">https://www.copewny.org/mission</a> (last visited Mar. 28, 2025).</p>	N/A
<b>38. Colored Girls Bike Too*</b>	<p>“At Colored Girls Bike Too, we are a Black women-led, radical cycling org advancing racial, spatial, healing, and mobility justice through the transformative power of the bike. Guided by the belief th“t "Until Black women are free, none of us will be free.”</p> <p><b>Facebook</b>, <i>Colored Girls Bike Too</i>, <a href="https://www.facebook.com/coloredgirlsbiketoo/?ref=pages_you_manage">https://www.facebook.com/coloredgirlsbiketoo/?ref=pages_you_manage</a> (last visited Mar. 28, 2025).</p>	1353 Jefferson Avenue Buffalo, NY 14208
<b>39. Community Action Organization of WNY*</b>	<p>“The formal mission of the CAO of WNY is to promote opportunities for low-income individuals, families, and communities to achieve and sustain self-sufficiency through advocacy, partnerships, access to services and low-to moderate-income housing development.”</p> <p><b>Community Action Organization of WNY</b>, <i>About Us</i>, <a href="https://www.caowny.org/who-we-are">https://www.caowny.org/who-we-are</a> (last visited Mar. 28, 2025).</p>	45 Jewett Avenue Buffalo, NY 14214
<b>40. Community Health Center of Buffalo</b>	<p>“The mission of the Community Health Center of Buffalo, Inc. (CHCB) is to provide quality, culturally sensitive, preventive and primary health care to the underserved of our community through state of the art clinical and business practices in a clinical teaching environment that promotes wellness and address health disparities”</p> <p><b>CHCB Community</b>, <i>About Us</i>, <a href="https://chcb.net/mission/">https://chcb.net/mission/</a> (last visited Mar. 28, 2025).</p>	34 Benwood Avenue Buffalo, NY 14214
<b>41. Community of Good Neighbors (CGN)*</b>	<p>“We currently are on the East Side twice monthly on the first and third Thursdays. We give out non-perishables and fresh produce at this time. We are a small volunteer pantry...”</p> <p><b>Community of Good Neighbors</b>, <a href="https://www.cgnbuffalo.com/">https://www.cgnbuffalo.com/</a> (last visited Mar. 28, 2025).</p>	1029 Main Street Buffalo, NY 14209
	<p>Filling the need for food...the mobile food pantry developed with the help of Grace Lutheran Church”</p> <p><b>Community of Good Neighbors</b>, <i>About CGN</i>, <a href="https://www.cgnbuffalo.com/about">https://www.cgnbuffalo.com/about</a> (last visited Mar. 28, 2025).</p>	
<b>42. East Side Avenues**</b>	<p>“East Side Avenues supported locally-owned businesses with a focus on projects that provide economic benefits to people working and living in the community. East Side Avenues was a unique public/private partnership that provided capital and organizational support to transformational projects in targeted areas along four East Side commercial corridors.</p> <p>As part of New York State’s economic development investment plan, \$65 million was dedicated to the revitalization of Buffalo’s East Side</p>	N/A

	<p>through capital investments. East Side Avenues provided capacity building, funding and organizational support to complement five specific initiatives along Bailey, Fillmore, Jefferson and Michigan Avenues.”</p> <p><b>East Side Avenues</b>, <i>About Us</i>, <a href="https://eastsideavenues.org/about/">https://eastsideavenues.org/about/</a> (last visited Mar. 28, 2025).</p>	
43. <b>East Side Neighborhood Transformation (Demonstration Project)**</b>	<p>“This project, which was initiated by Dr. Henry Louis Taylor, is a collaboration of the University of Buffalo Center for Urban Studies, the Buffalo Center for Health Equity, Back to Basics Outreach Ministries, East Buffalo Development Corporation, King Urban Life Center, and the University of Buffalo Community Health Equity Research Institute. The goal of this resident-centered project is to respond to the stated needs of the community and to transform the neighborhood into a great place to live, work, play, and raise a family for the people who already live there.” <i>The East Side Neighborhood Transformation Project Demonstration Project Announcement</i>, <b>The Buffalo Criterion</b>, Feb. 15, 2015.</p>	N/A
44. <b>Erie County Restorative Justice Coalition</b>	<p>“Formed in 2013, The Erie County Restorative Justice Coalition is a coming together of people from across our county who believe that conflicts are often best resolved by the people involved. By creating a safe space where all individuals involved in a conflict can come together and discuss what happened, who was harmed, and who bears the responsibility for repairing the harm, ECRJC facilitators are helping to change the way our community addresses conflict and crime. We are an ever-expanding group of individuals who share a desire to improve our community through the use of Restorative Justice in resolving interpersonal conflict and addressing criminal cases. We host regular trainings in Community Conferencing and Talking Circles, and work diligently to get the word out about Restorative Justice and its many uses.”</p> <p><b>Erie County Restorative Justice Coalition</b>, <i>About</i>, <a href="https://www.ecrjc.org/about">https://www.ecrjc.org/about</a> (last visited Mar. 28, 2025).</p>	567 Hertel Avenue Buffalo, NY 14207
45. <b>Erie Niagara AHEC*</b>	<p>“[W]e are committed to advancing health opportunities and creating a brighter future for healthcare in the Buffalo-Niagara region.</p> <p>Through educational programs and community partnerships, we inspire the next generation of healthcare professionals by providing high school and college students with the skills and guidance needed to enter healthcare careers. For current health professionals, we offer continuing education and training opportunities to support their growth and impact.</p> <p>Additionally, ENAHEC hosts community education events to engage and inform residents on pressing health topics. Together, we are shaping pathways to opportunity, strengthening communities, and driving meaningful change for a healthier tomorrow.”</p> <p><b>Erie Niagara AHEC</b>, <i>About</i>, <a href="https://www.erieniagaraahec.org/about">https://www.erieniagaraahec.org/about</a> (last visited Mar. 28, 2025).</p>	100 Leroy Avenue, Suite 250 Buffalo, NY 14214
46. <b>Every Bottom Covered*</b>	<p>“Every Bottom Covered champions diaper need and provides diapers and basic hygiene needs to underserved families and advocates for them across eight counties in Western New York.”</p>	877 East Delavan Avenue

	<b>Every Bottom Covered</b> , <a href="https://www.everybottomcovered.org/">https://www.everybottomcovered.org/</a> (last visited Mar. 28, 2025).	Buffalo, NY 14215
<b>47. Feed Buffalo</b>	<p>“Feed Buffalo took root inside of founder, Drea d’Nur, out of a need to feed her own muslim family. After visiting several pantries, she noticed that none of them had halal food. She was determined to create a community pantry with healthy options that included halal food. D’Nur is working to heal communities with a clear vision and healthy food initiative that focuses on Buffalo’s underserved communities, especially black and muslim refugee communities.”</p> <p><b>Feed Buffalo</b>, <i>About Us</i>, <a href="https://www.feedbuffalo.org/about-us">https://www.feedbuffalo.org/about-us</a> (last visited Mar. 28, 2025).</p>	456 Massachusetts Avenue Buffalo, NY 14213
<b>48. FeedMore WNY</b>	<p>“Our organization was born from the healthy merger of two of the area’s most well-known, well-respected organizations - the Food Bank of WNY and Meals on Wheels for Western New York. For many years, the two groups worked in tandem with a singular vision of ending hunger in our community...The new headquarters will help FeedMore WNY continue its mission of offering dignity, hope and a brighter future by providing nutritious food, friendship and skills training to its Western New York neighbors in need. Through our food bank distribution center and partner hunger-relief agencies, as well as our home-delivered meal program and other targeted feeding programs, FeedMore WNY alleviates hunger and assists community members of all ages throughout Cattaraugus, Chautauqua, Erie and Niagara counties.”</p> <p><b>Feed More WNY</b>, <i>About Us</i>, <a href="https://www.feedmorewny.org/about/">https://www.feedmorewny.org/about/</a> (last visited Mar. 28, 2025).</p>	100 James E Casey Drive Buffalo, NY 14206
<b>49. Good Samaritan Church in Christ</b>	<p>“The Good Samaritan Church of God in Christ had been a fixture in this neighborhood through the 1970’s, ‘80’s, ‘90s, and early 2000s, holding worship services in the church building just across the street before moving to its new home in Cheektowaga. Members of the church also operated a food pantry and soup kitchen here, and this event was launched in memory of Pearl Young, a church missionary and dedicated soup kitchen volunteer who was killed in the May 14 racist mass shooting in Buffalo.”</p> <p><i>A Buffalo church founded during the Civil Rights Movement is using faith to oppose racism</i>, <b>WBFO NPR</b>, May 18, 2023.</p>	261 Cleveland Drive Cheektowaga, NY 14215
<b>50. Greater East Side Fields of Dreams Block Club Association**</b>	<p>“We are a 501 (c) (3) public charity that is community-based organization focused on charitable programs beneficial to the blocks, the community, to unite in a voluntary effort to improve the quality of life for our families, neighbors, and businesses in the communities that we serve.”</p> <p><b>VolunteerWNY</b>, <i>Agencies</i>, <a href="https://www.volunteerwny.org/agency/detail/?agency_id=124958">https://www.volunteerwny.org/agency/detail/?agency_id=124958</a> (last visited Mar. 28, 2025).</p>	N/A
<b>51. Healing Hub of New York</b>	<p>“The Healing Hub of New York and Say Yes Buffalo is working in collaboration to increase the capacity of Mental Health Clinicians of Color in Buffalo... [It] is engaged and committed to healing underlying issues in our vulnerable communities by resolving unaddressed trauma.”</p> <p><b>Healing Hub of NY, Inc.</b>, <i>Home</i>, <a href="https://www.healinghubny.org/fundraiser">https://www.healinghubny.org/fundraiser</a> (last visited Mar. 28, 2025).</p>	125 Galleria Drive Cheektowaga, NY 14225

52. <b>Healthy Community Store Initiative</b>	<p>“The Food Trust’s Healthy Corner Store Initiative (HCSI) and Heart Smarts program work side by side to ensure that residents have access to delicious, nutritious food and information to choose healthier options in their local corner store. Through in-store nutrition education, nutrition incentives and technical assistance, our team supports store owners in activating their businesses as community health hubs.”</p> <p><b>The Food Trust</b>, <i>Health Corner Store Initiative</i>, <a href="https://thefoodtrust.org/what-we-do/corner-stores/">https://thefoodtrust.org/what-we-do/corner-stores/</a> (last visited Mar. 28, 2025).</p>	N/A
53. <b>Home Beneath Our Feet*</b>	<p>“Using a nature-focused curriculum, Home Beneath Our Feet seeds the development of children, youth, and adults through physical, financial, and personal development to improve quality of life in our community.”</p> <p><b>Home Beneath Our Feet</b>, <i>About Us</i>, <a href="https://www.hbof.org/about-us">https://www.hbof.org/about-us</a> (last visited Mar. 28, 2025).</p>	345 Broadway Street, Suite 104 Buffalo, NY 14204
54. <b>In His Name Outreach (IHNO) Counseling and Recovery Services</b>	<p>“IHNO is a WNY non-profit NGO organization specializing in Christian Counseling and Recovery.</p> <p>At IHNO, we believe in Transforming our community through offering integrated approaches and Faith-based solutions for everyday Life Challenges.</p> <p>We believe in Healing our community in Mind, Body, Spirit, and Soul.”</p> <p><b>IHNO Counseling &amp; Recovery Services</b>, <i>About Us</i>, <a href="https://www.ihno.org/">https://www.ihno.org/</a> (last visited Mar. 28, 2025).</p>	576 Dick Road Depew, NY 14043
55. <b>John R. Oishei Foundation*</b>	<p>“For decades, the Oishei Foundation has supported a diverse group of hard-working organizations and individuals, all dedicated to building a thriving community. In the fall of 2023, building on our existing racial equity work, we shifted our focus to address the root causes of racial inequity, starting with Black communities on Buffalo’s East Side. We work with communities to change systems and build financial prosperity for a racially just, vibrant Buffalo-Niagara region.”</p> <p><b>John R. Oishei Foundation</b>, <a href="https://oishei.org/#about-about-the-oishei-foundation">https://oishei.org/#about-about-the-oishei-foundation</a> (last visited Mar. 28, 2025).</p>	726 Exchange Street, Suite 510 Buffalo, NY 14210
56. <b>Kamilah Whitfield's East Side Grocery Store ('My Grandmother's Garden')</b>	<p>“In the wake of the May 2022 mass shooting at a Tops store in Buffalo, N.Y., Kamilah Whitfield, granddaughter of Ruth Whitfield, one of those lost in the massacre, decided to honor her grandmother’s memory by opening a community food hub.”</p> <p><i>My Grandmother’s Garden: Hope from Tragedy</i>, <b>Progressive Grocer</b>, April 13, 2023.</p>	N/A
57. <b>King Urban Life Center*</b>	<p>“The King Urban Life Center (KULC), in partnership and under the direction of the community residents, is committed to preserving and using the historic building it occupies as a catalyst for radical educational, economic and social neighborhood change.”</p> <p><b>King Urban Life Center</b>, <i>Mission &amp; Vision Statement</i>, <a href="https://www.kingurbanlifecenter.org/mission-vision-statement">https://www.kingurbanlifecenter.org/mission-vision-statement</a> (last visited March 28, 2025).</p> <p>“Today, the King Urban Life Center has grown into a community center with local and nationally recognized educational programs. It serves over 250 children and families each year in an award-winning building that is a model of reuse and revitalization”</p>	938 Genesee Street Buffalo, NY, United States, 14211



	<p><b>King Urban Life Center, History</b>, <a href="https://www.kingurbanlifecenter.org/awards-recognition-1">https://www.kingurbanlifecenter.org/awards-recognition-1</a> (last visited Mar. 28, 2025).</p>	
<b>58. Matt Urban Center*</b>	<p>“The Matt Urban Human Services Center (MUC) is a 501(c)(3) not-for-profit located on Buffalo’s East Side with a mission to provide compassionate and comprehensive support to Western New York’s most vulnerable populations by addressing the critical issues of poverty, homelessness, mental illness, and substance use disorders. Formerly known as The Polish Community Center of Buffalo, Inc., we continue to serve our community as the Matt Urban Human Services Center of WNY.”</p> <p><b>Urban Center, About Us</b>, <a href="https://urbanctr.org/">https://urbanctr.org/</a> (last visited Mar. 28, 2025).</p>	1081 Broadway Buffalo, NY 14212
<b>59. Mobile Response Team</b>	<p>“Lane and Giles' Mobile Response Team has been giving away groceries for the past three years. They are often set up at a stand on Jefferson Avenue across from the Tops supermarket where some residents are still afraid to enter after the May 14, 2022 massacre”</p> <p><i>‘Families need something to eat’: Mobile Response Team delivers groceries to Buffalo neighbors in need</i>, <b>WKBW</b>, Jan. 22, 2025.</p>	N/A
<b>60. Ms. Penny's Plate of Love Food Ministry*</b>	<p>“Through its Plate of Love program, Cold Spring Community Foundation provides meals at no cost to our guests, sustained by committed and compassionate volunteers and the generous contributions of donors. Everyone is welcome to come. Our dining room is open to the public regardless of race, religion, or creed. All meals are free.”</p> <p><b>Plate of Love, Cold Spring Community Foundation</b>, <a href="https://www.plateoflove.org/">https://www.plateoflove.org/</a> (last visited Mar. 28, 2025).</p>	234 Glenwood Avenue Buffalo, NY 14208
<b>61. Nanette Massey Anti-Racism Workshops and Webinars</b>	<p>“Nanette facilitates a three and a half hour in-person workshop based on the book <i>White Fragility: Why It’s So Hard For White People To Talk About Racism</i> by renowned author Robin DiAngelo. With frankness and practicality, audiences will be left with self-clarity and the ability to meaningfully contribute to dialogue and action within their spheres of influence.”</p> <p><b>Nanette D. Massey</b>, <a href="https://nanettedmassey.com/">https://nanettedmassey.com/</a> (last visited Mar. 28, 2025).</p>	N/A
<b>62. National Association of Black Social Workers</b>	<p>“The National Association of Black Social Workers, Inc (NABSW) comprised of people of African ancestry, is committed to enhancing the quality of life and empowering people of African ancestry through advocacy, human services delivery, and research.</p> <p>Our mission is to work to create a world in which people of African ancestry will live free from racial domination, economic exploitation, and cultural oppression. In collaboration with national, international, and other appropriate groups, NABSW will continue to leverage its collective expertise to strategically develop the capacity of people of African ancestry to sustain and flourish.”</p> <p><b>NABSW</b>, <a href="https://www.nabsw.org/mission-statement">https://www.nabsw.org/mission-statement</a> (last visited Mar. 28, 2025).</p>	N/A
<b>63. NeuWater &amp; Associates</b>	<p>“NeuWater &amp; Associates, LLC is a company focused on improving population health.” It works in areas including “[i]mproving access to healthy food....”</p>	740 Main Street

	<b>NeuWater &amp; Associates LLC</b> , <a href="https://www.neuh2o.com">https://www.neuh2o.com</a> (last visited Mar. 28, 2025).	Buffalo, NY 14214
<b>64. New Yorkers Against Gun Violence</b>	“NYAGV’s mission is to reduce gun violence through legislative advocacy and education designed to encourage action, influence public opinion and lead to policy change.” <b>NYAGV</b> , <i>About Us</i> , <a href="https://nyagv.org/about-us/">https://nyagv.org/about-us/</a> (last visited Mar. 28, 2025)	N/A
<b>65. New Yorkers for Reparations</b>	“New Yorkers for Reparations is a 100+ member grassroots coalition growing the movement for Black reparations in New York and working to ensure that the recommendations that come out of the New York State Community Reparations Commission turn into policy.” <b>New Yorkers for Reparations</b> , <i>About</i> , <a href="https://www.ny4reparations.org">https://www.ny4reparations.org</a> (last visited Mar. 28, 2025)	N/A
<b>66. Niagara University Rose Bente Lee Ostapenko Center (Community Lamentation)</b>	“The Rose Bente Lee Ostapenko Center for Race, Equity, and Mission establishes critical interdependencies both on and off-campus, working together with faculty and students across colleges and disciplines of study to leverage change in the academy and across sectors of education, business, government, and the community. As such, the Center serves as a resource to the community on issues of racial equity.” <b>Niagara University</b> , <i>Rose Bente Lee Ostapenko Center for Race, Equity, &amp; Mission</i> , <a href="https://stapenara.edu/about/campus-offices/ostapenko-race-equity-center">https://stapenara.edu/about/campus-offices/ostapenko-race-equity-center</a> (last visited Mar. 28, 2025)	5795 Lewiston Road Niagara University, NY 14109
<b>67. Northland Workforce Training Center*</b>	“As New York State’s signature workforce initiative under the Buffalo Billion initiative, Northland Workforce Training Center (NWTC) is an industry-driven, public-private partnership between employers, educational institutions, community and faith-based organizations and state and local government focused on closing the skills gap of the local labor pool and creating economic on-ramps to training, co-ops, internships, apprenticeships, and permanent employment for Western New Yorkers seeking high-paying advanced manufacturing and energy careers.” <b>Northland Workforce Training Center</b> , <i>About</i> , <a href="https://northlandwtc.org/about">https://northlandwtc.org/about</a> (last visited Mar. 28, 2025)	683 Northland Avenue Buffalo, NY 14211
<b>68. Open Buffalo*</b>	“Open Buffalo is a civic initiative to make major, long-term improvements in justice and equity in the City of Buffalo.... [The organization] do[es] so through skill building, network connecting, and activating leadership opportunities.” <b>Open Buffalo</b> , <i>About Open Buffalo</i> , <a href="https://openbuffalo.org/who-we-are/about-open-buffalo">https://openbuffalo.org/who-we-are/about-open-buffalo</a> (last visited Mar. 28, 2025).	1327 Jefferson Avenue Buffalo, NY 14208
<b>69. Pain and Peace Film</b>	Pain and Peace is a “feature length documentary [in which a] survivor of a brutal hate crime embarks on a profound journey to explore the underlying causes of hatred and the depths of forgiveness.” <b>Pain and Peace</b> , <a href="https://www.painandpeacedoc.com">https://www.painandpeacedoc.com</a> (last visited Mar. 28, 2025).  Part of this journey includes the filmmaker’s visit to Buffalo after the Tops shooting. Mark Sommer, <i>Film that explores hatred includes Tops massacre</i> , <b>Buffalo News</b> , May 13, 2024, at B1.	N/A

<b>70. Partnership for Public Good</b>	<p>“Partnership for the Public Good is a community-based think tank that builds a more just, sustainable, and culturally vibrant Buffalo Niagara through action-oriented research, policy development, and citizen engagement.”</p> <p><b>Partnership for the Public Good</b>, <a href="https://ppgbuffalo.org">https://ppgbuffalo.org</a> (last visited Mar. 28, 2025).</p>	617 Main Street, Suite 300 Buffalo, New York 14203
<b>71. Peaceprints of WNY*</b>	<p>“Peaceprints of WNY is a nationally recognized leader in reentry services, embodying the collaborative strength of over 40 years of dedicated work by two leading WNY nonprofit prison ministries - Hope of Buffalo, Inc. and Cephas Attica, Inc.”</p> <p><b>Peaceprints of WNY</b>, <i>Welcome to Peaceprints of WNY</i>, <a href="https://www.Peaceprintswny.org">https://www.Peaceprintswny.org</a> (last visited Mar. 28, 2025).</p>	1 E Delavan Avenue Buffalo, NY 14215
<b>72. Pursuit of tRuth 5/14 Remembrance Recovery &amp; Prevention of Hate Conference and Launch Gala</b>	<p>“Our Mission To counter hate by ensuring that the loving spirit of our beloved mother [Ruth Whitfield] forever inspires informed civic engagement with actionable steps towards the equitable empowerment of all communities.”</p> <p><b>Pursuit of tRuth</b>, <a href="https://www.pursuitoftruth.co/">https://www.pursuitoftruth.co/</a> (last visited Mar. 28, 2025).</p>	1300 Elmwood Avenue Buffalo, NY 14222
<b>73. Raw Tools Buffalo</b>	<p>Raw Tools is an organization that “us[es] weapons to make garden tools and other hand tools” and “help[s] teach ... new ways to solve our problems through relationship, dialogue, and alternative means of justice.”</p> <p><b>Raw Tools</b>, <i>About Us</i>, <a href="https://rawtools.org/about">https://rawtools.org/about</a> (last visited Mar. 28, 2025).</p>	PO Box 2352 Colorado Springs, CO 80901
<b>74. Resource Council of Western New York*</b>	<p>“The Resource Council of WNY is committed to creating pathways to opportunity and prosperity so that we can ensure a vibrant, and thriving future for the communities we serve.... We offer individuals and families high-quality, multi-generational programs that not only enhance their well-being and socioeconomic opportunities, but we also strive to ensure that our services are equitable, inclusive, and responsive to all sectors of the population.”</p> <p><b>Resource Council of Western New York</b>, <a href="https://rcwny.org">https://rcwny.org</a> (last visited Mar. 28, 2025).</p>	347 East Ferry Street Buffalo, NY 14208
<b>75. Rooted in Love/Truly Rooted Community Market*</b>	<p>Rooted in Love is a “nonprofit organization [dedicated to] feeding and clothing people in need.” The “Truly Rooted Community Market [is] a newly opened nonprofit grocery cooperative at 2201 N. Fillmore Ave. at the corner of Jewett Avenue in the c’ty’s Fillmore-Leroy neighborhood.” Libby March, <i>Buffalo Next: Truly Rooted brings fresh produce to the East Side</i>, <b>Buffalo News</b>, Nov. 19, 2024.</p>	2201 Fillmore Avenue Buffalo, NY 14214
<b>76. Roswell Park Comprehensive Cancer Center*</b>	<p>“Founded in 1898 as the nation’s first cancer center, Roswell Park set the standard for today’s multidisciplinary approach to the highest quality cancer care.”</p> <p><b>Roswell Park Comprehensive Cancer Center</b>, <i>About Roswell Park</i>, <a href="https://www.roswellpark.org/about-us">https://www.roswellpark.org/about-us</a> (last visited Mar. 28, 2025).</p>	665 Elm Street Buffalo, NY 14203
<b>77. Say Yes Buffalo-Building Clinicians of Color</b>	<p>“The Clinicians of Color cohort ... is a dedicated initiative launched in response to the May 14, 2022 tragedy, aiming to bolster the capacity and accessibility of mental health clinicians of color in Buffalo, NY.”</p>	N/A



	<b>Dumas R.I.S.E. LLC</b> , <i>Building Capacity for Clinicians of Color</i> , <a href="https://dumasrisellc.com/building-capacity-for-clinicians-of-color">https://dumasrisellc.com/building-capacity-for-clinicians-of-color</a> (last visited Mar. 28, 2025).	
<b>78. Single Moms Club</b>	The Single Moms Club is “a space for social engagement, sisterhood, and trust” that provides information about “vital [local] resources” and opportunities to “network, engage, and meet a new friend.” <b>Facebook</b> , <i>Single Moms Club Buffalo</i> <a href="https://www.facebook.com/SingleMomsBuffalo/">https://www.facebook.com/SingleMomsBuffalo/</a> (last visited Mar. 28, 2025).	N/A
<b>79. Spectrum Health Buffalo HOPE*</b>	This organization provides free, anonymous, and confidential counseling, mental health screening, connection to community resources, and other services. It travels to “community events, wellness fairs, schools, and other community engagement activities.” <b>Spectrum Health</b> , <i>Buffalo H.O.P.E. COMHPS</i> , <a href="https://shswny.org/buffalo-hope">https://shswny.org/buffalo-hope</a> (last visited Mar. 28, 2025).	227 Thorn Avenue Orchard Park, NY 14127; 111 Maple Street Buffalo, NY 14204
<b>80. St. Brian Clothiers**</b>	St. Brian Clothiers is a “men’s clothing and design store in Buffalo’s Masten Park neighborhood [that] give[s] back to the community.” <i>St. Brian Clothiers giving away suits to families of Buffalo mass shooting victims</i> , <b>Spectrum News 1</b> , May 20, 2022.  “The shop was birthed from the tragedy that took place at the Jefferson Tops Supermarket [to give] men needed space for grieving and grooming.” <i>St. Brian Clothiers is calling on the community and Bills Mafia to help keep those in need suited up</i> , <b>WKBW</b> , Oct. 30, 2022.	N/A
<b>81. Stop the Violence Gun Intervention Progra“*</b>	“The Buffalo Peacemakers Youth Violence and Gang Intervention Program intervenes in the lives of gang-involved or at-risk youth to help them live safe and positive lives. Staff members are drawn from five community peace-making groups — Back to Basics Outreach Ministries Inc., Buffalo F.A.T.H.E.R.S., GYC Ministries, MAD DADS, and the Stop the Violence Coalition, Inc.” <b>Back to Basics Ministries</b> , <i>Peacemakers</i> , <a href="https://www.backtobasicsministries.org/peacemakers/">https://www.backtobasicsministries.org/peacemakers/</a> (last visited March 28, 2025).	971 Jefferson Avenue Buffalo, NY 14204
<b>82. True Bethel Baptist Church*</b>	The True Bethel Baptist Church is “a congregation ... well over 3000” members with multiple locations in Buffalo. Its “mission is to glorify God by offering Salvation to the Sinner, and Strength for the Saved.” <b>True Bethel Baptist Church</b> , <i>About True Bethel</i> , <a href="https://www.truebethel.com/about-us">https://www.truebethel.com/about-us</a> (last visited Mar. 28, 2025).	907 E Ferry Street Buffalo, NY 14211
<b>83. UFCW District Union Local One</b>	The United Food and Commercial Workers Local One is a union serving workers in Upstate New York and Northern Pennsylvania. <b>UFCW Local One</b> , <a href="https://ufcwone.org">https://ufcwone.org</a> (last visited Mar. 28, 2025).  The union represents Tops employees. <i>Jon Harris, A horrific day at Tops, a store that brought joy to a neighborhood</i> , <b>Buffalo News</b> , May 14, 2022.	170 Lawrence Bell Drive Williamsville, NY 14221

<b>84. Urban Fruits and Veggies*</b>	Urban Fruits and veggies is “an urban agriculture business” that “has its own urban farm and purchases from local farms.” <b>Buffalo Go Green</b> , <i>Urban Fruits and Veggies</i> , <a href="https://buffalogogreen.org/urban-fruits-veggies">https://buffalogogreen.org/urban-fruits-veggies</a> (last visited Mar. 28, 2025).	Glenwood Avenue Buffalo, NY 14215
<b>85. Urban Think Tank</b>	“The Urban Think Tank comprises prominent Black religious leaders, such as Bishops Darius Pridgen and Michael Badger, as well as business people, lawyers, elected officials and community activists.” Geoff Kelly, <i>Vetting wannabe mayors from an East Side perspective</i> , <b>Investigative Post</b> , Jan. 22, 2025.	N/A
<b>86. VOICE Buffalo*</b>	“VO’CE’s mission is to faithfully bring forth racial justice and equity in Western New York through political education and organized collective action.” <b>VOICE Buffalo</b> , <a href="https://www.voicebuffalo.org">https://www.voicebuffalo.org</a> (last visited Mar. 28, 2025).	2495 Main Street #547 Buffalo, NY 14214
<b>87. We are Women Warriors</b>	“We Are Women Warriors is a nonprofit organization whose charitable mission is to contribute to the positive improvement of the quality-of-life available to historically economically-disadvantaged individuals, and to their children, by aiding the uplift and empowerment of the neighborhoods and communities inhabited by these citizens and residents.” <b>Facebook</b> , <i>We Are Women Warriors</i> , <a href="https://www.facebook.com/groups/wearewomenwarriors">https://www.facebook.com/groups/wearewomenwarriors</a> (last visited Mar. 28, 2025).	N/A
<b>88. Western New York Compassion Connection</b>	“Western New York Compassion Connection is a newly expanded service of the nonprofit P.U.N.T. Pediatric Cancer Collaborative in response to our community’s need for bereavement support.... WNYCC has been created to support grieving children and families from any origin of loss as they navigate their journey of healing and build resilience for the future.” <b>Western New York Compassion Connection</b> , <a href="https://wnycompassionconnection.org">https://wnycompassionconnection.org</a> (last visited Mar. 28, 2025).	3966 Walden Avenue Lancaster, NY 14086
<b>89. Y.A.L.E. Academy</b>	“Y.A.L.E. Academy is an educational institution dedicated to empowering justice-impacted youth through mentorship, career development, and leadership training.” <b>Y.A.L.E. Academy</b> , <a href="https://yaleacademyinc.org">https://yaleacademyinc.org</a> (last visited Mar. 28, 2025).	2077 Elmwood Avenue Buffalo, NY 14207.
<b>90. Zeneta and Zaire’s Book Club**</b>	Zeneta and Zaire’s Book Club “collect[s] books to help teach kids about racism and expose them to different cultures” and hosts events such as book readings. <i>Zeneta and Zaire’s Book Club spreads message through reading</i> , <b>Spectrum News</b> 1, Feb. 3, 2023.	N/A

## V. Conclusion

None of this is to say that all persons who live in East Buffalo are excludable from jury service for cause. But this is a community that is deeply connected and was intensely impacted

by the events of 5/14. Given the long history of segregation in East Buffalo, the number of victims, the centrality of the Tops Market as both a place to find sustenance and a community meeting place, the fact that many in the neighborhood view the reopened Tops as a crime scene, and the plethora of community organizations that came into being or rallied in the wake of the shooting, it is likely that a large percentage of potential Black jurors will be excludable for cause. *Smith v. Phillips*, 455 U.S. 209, 217 (1982) (“Due process means a jury capable and willing to decide the case solely on the evidence before it....”); *Morgan v. Illinois*, 504 U.S. 719 (1992) (a juror in a death penalty case who cannot give full consideration to a life sentence or full effect to mitigating evidence is not an impartial juror).

For all of these reasons, Payton Gendron moves the Court for a hearing and at the conclusion of said hearing for a change of venue to the Southern District of New York.

Dated: March 31, 2025  
Buffalo, New York

s/Sonya A. Zoghlin  
Sonya A. Zoghlin  
Assistant Federal Public Defender

s/MaryBeth Covert  
MaryBeth Covert  
Senior Litigator

s/Julie Brain  
Julie Brain  
Julie Brain, Attorney at Law

s/Monica Foster  
Monica Foster  
Executive Director  
Indiana Federal Community Defenders Inc.